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## Education, Communities and Organisational Development

Wednesday, 31 March 2021

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Education, Communities and Organisational Development** is to be held at **remote locations via video conference**, on **Wednesday, 31 March 2021** at **09:30**.

### **BUSINESS**

**1. Sederunt**

**2. Declaration of Group Decisions and Members Interests \***

**3. Resolution**

Consider, and if so decide, adopt the following resolution:

"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 13 and 14 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

**4. Minute of Meeting of 3 February 2021**

**7 - 14**

**5. Written Questions \*\***

**6.\* Analysis of Secondary School Leaver Attainment 2019-20**

**15 - 28**

Report by the Depute Chief Executive (Education, Communities and Organisational Development)

**7.\* Education Resources and Communities and Education Capital Budget Monitoring**

**29 - 38**

Report by the Depute Chief Executive (Education, Communities and Organisational Development)

- 8.\* Moray Early Learning and Childcare - Meeting Future Demand** **39 - 46**  
Report by the Depute Chief Executive (Education, Communities and Organisational Development)
- 9. Social Recovery through Locality Planning** **47 - 64**  
Report by Depute Chief Executive (Education, Communities and Organisational Development)
- 10. SPSO Continuing Care and Transitions** **65 - 80**  
Report by Chief Officer, Health and Social Care
- 11. Model Complaints Handling Procedure Report** **81 - 164**  
Report by the Depute Chief Executive (Education, Communities and Organisational Development)
- 12. Question Time \*\*\***  
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.
- Item(s) which the Committee may wish to consider with the Press and Public excluded**
- 13. Living Wage Consolidation [Para 1 and 11]**
- Information relating to staffing matters;
  - Information relating to any consultations or negotiations in connection with any labour relations;
- 14. Early Learning and Childcare - Proposed Lease and Rental Arrangements [Para 9]**
- Information on terms proposed or to be proposed by or to the Authority;

**Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:**

[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)  
to watch the meeting live.

<b>GUIDANCE NOTES</b>
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\* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

\*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

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# **THE MORAY COUNCIL**

## **Education, Communities and Organisational Development**

### **SEDERUNT**

Councillor Aaron McLean (Chair)  
Councillor Sonya Warren (Depute Chair)

Councillor George Alexander (Member)  
Councillor James Allan (Member)  
Councillor Frank Brown (Member)  
Councillor Paula Coy (Member)  
Councillor Lorna Creswell (Member)  
Councillor Tim Eagle (Member)  
Councillor Claire Feaver (Member)  
Councillor Shona Morrison (Member)  
Councillor Laura Powell (Member)  
Councillor Derek Ross (Member)  
Councillor Amy Taylor (Member)  
Councillor Walter Wilson (Member)

Clerk Name: Tracey Sutherland  
Clerk Telephone:  
Clerk Email: [tracey.sutherland@moray.gov.uk](mailto:tracey.sutherland@moray.gov.uk)



**Minute of Meeting of the Education, Communities and Organisational Development**

**Wednesday, 03 February 2021**

**remote locations via video conference,**

**PRESENT**

Councillor George Alexander, Councillor James Allan, Councillor Frank Brown, Councillor Lorna Creswell, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

**APOLOGIES**

Councillor Paula Coy, Councillor Walter Wilson

**IN ATTENDANCE**

Also in attendance at the above meeting were the Depute Chief Executive (Education, Communities and Organisational Development), Chief Officer, Health and Social Care, Head of Governance, Strategy and Performance, Head of Education, Head of Education Resources, Acting Head of Children and Families and Criminal Justice Social Work, Head of HR, ICT and Organisational Development, Acting Head of Housing and Property, Corporate Parenting and Commissioning Manager, Senior Project Manager (ELC), Quality Assurance and Locality Manager and Tracey Sutherland, Committee Services Officer.

Also present for items 1 to 14a were Angela Stuart, Primary Teacher Representative and Anne Currie, Religious Representative.

Councillor Leadbitter was also present in an ex-officio role.

**1. Chair of Meeting**

The meeting was chaired by Councillor Aaron McLean with the exception of Item 20, Forres Golf Club/Course, in which Cllr McLean declared an interest. Item 20 was chaired by Councillor Sonya Warren.

**2. Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Aaron McLean declared an interest in Item 20. There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

### **3. Resolution**

The meeting resolved in terms of Section 50A (4) AND (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 Schedule 7a of the Act.

<b>Para Number of the Minute</b>	<b>Para Number of Schedule 7a</b>
22	9 Information on proposed terms and/or expenditure to be incurred by the Authority
23	1 & 5 Information relating to staffing matters  Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision of residence of any particular child in accordance with a supervision requirement
25	9 Information on proposed terms and/or expenditure to be incurred by the Authority

### **4. Minute of the Meeting of Appointments Committee of 18 October 2019**

The minute of the Children and Young People's Appointments Committee on 18 October 2019 was submitted and approved.

### **5. Minute of the Meeting of Appointments Committee of 20 November 2019**

The minute of the Children and Young People's Appointments Committee on 20 November 2019 was submitted and approved.

### **6. Minute of Meeting of 18 and 25 November 2020**

The minute of the Education, Communities and Organisational Development Committee on 18 and 25 November 2020 was submitted and approved.

### **7. Written Questions \*\***

The Committee noted that no written questions has been submitted.

### **8. Governance Strategy and Performance Report 1 April to 31 December 2020**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Deputy Chief Executive (Education, Communities and Organisational) Development informed the Committee of the performance of the service for the period from 1 April to 31 December 2020.



Following consideration the Committee agreed to note performance of the Service Plan, Operation Performance Indicators and complaint to the end of December 2020.

**9. HR OD and ICT Performance Report 1 April to 31 December 2020**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Education, Communities and Organisational) Development informed the Committee of the performance of the service for the period from 1 April to 31 December 2020.

Following consideration the Committee agreed to note:

- i) performance of the Service Plans, Operational Performance Indicators and Complaints to the end of December 2020; and
- ii) note that Action HR20-22Serv.5.4 has been removed from Section 5 - Service Level Outcomes, of the Human Resources and Organisational Development Services Service Plan since it duplicated Action HR20-22-Serv.5.1.

**10. Education Performance Report 1 April to 31 December 2020**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Education, Communities and Organisational) Development informed the Committee of the performance of the service for the period from 1 April to 31 December 2020.

Following consideration the Committee agreed to note performance of the Strategic Plan, Service Plan, Recovery Outcomes and Complaints over the period April to December 2020.

**11. Education Revenue Budget Monitoring Report to 31 December 2020**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Committee of the budget position for Education as at 31 December 2020.

Following consideration the Committee agreed to note the budget position at 31 December 2020.

**12. Education Resources and Communities and Education Capital Budget Monitoring Report**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Committee of projects and proposed expenditure for Capital Budgets within Education Resources and Communities and Education for 2020/21.

Following consideration the Committee agreed to note the contents of the report.

**13. Education Resources Performance Report 1 April to 31 December 2020**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Education, Communities and Organisational) Development informed the Committee of the performance of the service for the period from 1 April to 31 December 2020.

Following consideration the Committee agreed to note performance of the Strategic Plan, Service Plan, Recovery Outcomes and Complaints over the period April to December 2020.

**14. Education Resources and Communities Revenue Budget Monitoring to 31 December 2020**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Committee of the budget position for Education Resources and Communities as at 31 December 2020.

Following consideration the Committee agreed to note the budget position at 31 December 2020.

**15. Wellbeing Support for Children Young People and Families**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) and Chief Officer, Health and Social Care proposed a pilot for a streamlined locality planning model across children's services that aims to improve the deployment of multi-agency services to meet the mental health and wellbeing needs of children, young people and families in Moray.

Following consideration the Committee agreed to:

- i) approve the proposed streamlined locality planning model as a pilot for 18 months;
- ii) the costs of the pilot being met from the mental health and wellbeing funding received from the Scottish Government for 202/21 and the National Community Mental Health and Wellbeing funding'
- iii) the establishment of the additional posts as set out in the report and recommends to the Council the additional G12 project management post; and
- iv) the pilot evaluation report being presented to a future Committee meeting.

Mrs Stuart, Primary Teacher Representative and Mrs Currie, Religious Representative left the meeting following the consideration of this item.

**16. Children and Families and Criminal Justice Social Work Performance Report 1 April - 31 December 2020**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Education, Communities and Organisational) Development informed the Committee of the performance of the service for the period from 1 April to 31 December 2020.

Following consideration the Committee agreed to:

- i) note performance of the Service Plan, Operational Performance Indicators and Complaints to the end of December 2020;
- ii) welcome good performance; and
- iii) note the actions being taken to improve performance where required.

#### **17. Children and Families Social Work Revenue Budget Monitoring**

A report by the Chief Officer, Health and Social Care informed the Committee of the budget position for Children and Families Social Work Services as at 31 December 2020.

Following consideration the Committee agreed to note the budget position at 31 December 2020.

#### **18. Children and Families and Criminal Justice Service Plans 2020-23**

A report by the Chief Officer, Health and Social Care invited the Committee to consider the Children and Families and Justice Services Social Work Service Plan for 2020-23.

Councillor Feaver raised concerns regarding approving the Plan when there are performance figures not complete, these concerns were shared by Councillor Brown.

In response the Acting Head of Children and Families and Justice Social Work explained that the Service Plan identifies areas of improvement and how the Service will know if it has made a difference. She further added that the Performance Report at Item 15 on the agenda provides the background data and it was unfortunate that this report was presented after the performance report.

The Chief Officer further added that he could understand Councillor Feaver's concerns and confirmed that the report could be brought back with the targets populated to a future meeting for approval.

Councillor Feaver, seconded by Councillor Brown moved that the report be deferred to the next meeting. As there was no one otherwise minded, the Committee agreed to defer the decision on this item to the next Committee to allow targets to be populated.

#### **19. Continuing Care Policy Revision**

Under reference to paragraph 6 of the minute of the meeting of Education, Communities and Organisational Development dated 18 November 2020, a report by the Chief Officer, Health and Social Care informed the Committee of recommended changes to the continuing care policy and processes.

Following consideration the Committee agreed to:

- i) approve the procedures (Appendix A) relating to continuing care processes;

- ii) approves the proposed method of financial payments; and
- iii) an annual report is presented to Committee that confirms the budget being spent on continuing care, and which highlights whether the costs of continuing care are in excess of budget allocation.

## **20. Transitions to Adulthood Policy**

A report by the Chief Officer, Health and Social Care sought approval from the Committee for the Transitions to Adulthood Policy.

Following consideration, the Committee agreed:

- i) to note and approve the policy (Appendix A) for Transitions to Adulthood; and
- ii) that in 12 months a report is presented to Committee which details the outcome of monitoring and review of the policy and which may make recommendation for any further indicated change to the policy.

## **21. Question Time \*\*\***

Councillor Warren raised concerns about a case she had become involved in regarding a care experienced young person and was concerned that the Council was failing as a corporate parent to some of their young people.

In response, the Corporate Parenting and Commissioning Manager asked Councillor Warren to email her details of the case and she would provide a detailed response following the Committee.

Councillor Alexander sought clarification on some of the issues which had been raised regarding those attending the new Covid vaccine clinic in Elgin and reports that some of those attending were having to wait outside in the cold for a considerable period of time before being admitted to attend their appointment.

In response, the Chief Officer, Health and Social Care confirmed that he was aware of the issues and following the Committee was having a meeting with the Lead Officer to discuss the problems further and would report back to Councillors following the meeting.

Councillor Alexander further asked why the injections were not being carried out at doctor surgeries.

In response, the Chief Officer, Health and Social Care confirmed that discussions had taken place with GP surgeries and it was felt that they needed to be able to continue with the primary care functions however, if staff wished to assist in the vaccination centres outwith their working hours, this was an option open to them.

## **22. Forres Golf Course/Club**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider options for the future management and operation of Forres Golf Course and Golf Club.

Following consideration the Committee agreed to:

- i) note the proposed management options for Forres Golf Club and Course; and
- ii) approve Option C to end the current arrangements and lease the whole property to Forres Golf Club Ltd.

### **23. Residential Care for Looked After Children**

A report by the Chief Officer, Health and Social Care sought approval from Committee to reduce the service delivered by Action for Children, providers of residential care in Moray for looked after children and also to advise the Committee of early planning for service design that will support children to remain with their families; service redesign that will offer the support and infrastructure referred to in the Promise, which places children's rights and their participation at the centre of service delivery.

Following consideration the Committee agreed:

- i) to reduce the residential service delivered by Action for Children from 3 to 2 residential houses for looked after children; and
- ii) that a new contract is formed with Action for Children for 2 residential houses for an initial period of 2 years. That period of time will inform commissioning and procurement activity.

### **24. Suspension of Standing Orders**

The Chair sought the agreement of the Committee to Suspend Standing Order 74 to allow the meeting to continue beyond 12:45pm. This was unanimously agreed.

### **25. Early Learning and Childcare - Proposed Lease and Rental Arrangements**

Under reference to paragraph 39 of the minute of the meeting of Education, Communities and Organisational Development dated 18 and 25 November 2020 a report by the Depute Chief Executive (Education, Communities and Organisational Development) sought agreement from Committee to agree equitable lease arrangements and rental charges for private and third sector early learning and childcare (ELC) providers operating from Council premises.

Councillor Eagle moved to defer the discussion of this report to the next meeting of the Committee to allow it to be discussed alongside the report on the hourly rate paid to nurseries as he felt it would allow for a more informed decision.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that it was for the Committee to decide whether or not to defer the decision however she further added that the Committee would have knowledge of this report when making the decision regarding the hourly rate at the next meeting of the Committee.

Following further consideration, Councillor Eagle, seconded by Councillor Brown moved to defer the report to allow consideration to be given alongside the report on hourly rates paid to nurseries at the next meeting of the Committee.

As there was no one otherwise minded, the Committee agreed to defer the report until the next meeting of the Committee.




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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE ON 31 MARCH 2021**

**SUBJECT: ANALYSIS OF SECONDARY SCHOOL LEAVER ATTAINMENT  
2019/20**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT)**

## **1. REASON FOR REPORT**

- 1.1 This is an update to the Interim Secondary School Attainment 2019/20 report from the meeting of 18 November 2020 (paragraph 17 of the minute refers). This report included information from Scottish Qualifications Authority Senior Phase National Qualifications results generated from submitted estimates during the first national lockdown due to the Covid-19 pandemic.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People Services, Governance, Strategy and Performance, (para 9 of the minute refers).

## **2. RECOMMENDATION**

### **2.1 It is recommended that Committee:**

- (i) **considers and notes the leaver attainment information of young people in Moray, with specific regard to the National Measures for leavers published on Insight in February 2021; and**
- (ii) **scrutinises and notes the actions for improvement arising from the 2019/20 attainment performance**

## **3. BACKGROUND**

### **Covid-19 and SQA Assessment Arrangements**

- 3.1 For session 2019/2020 the absence of external assessment information, and the Ministerial direction to award estimated grades, have led to a different

pattern of attainment than we have seen in previous years across Scotland. National advice from Scottish Government through Insight, the Senior Phase Benchmarking tool, states that the results for 2020 should not be directly compared to those in previous years or future years. The 2020 Insight data cannot therefore be used to directly demonstrate subject, school or authority improvement compared with previous years. Within, this report however, we will demonstrate Moray attainment in order to provide an overview of progress made during session 2019/20, which saw schools close on 20 March 2020 for the first coronavirus lockdown. There will be an element of comparator narrative within this report in order to provide context and progress within our Education Strategic Plan and the Raising Attainment Strategy targets.

### **Attainment**

- 3.2 Insight focuses on performance in the Senior Phase across four key national benchmarking measures. The four national benchmarking measures focus on:
- Improving attainment in Literacy and Numeracy
  - Improving attainment for all
  - Increasing post-school participation
  - Tackling disadvantage by improving the attainment of lower attainers relative to higher attainers
- 3.3 It encourages a holistic approach to evaluating attainment and achievement that takes into account the performance within Moray across all four measures. We will also use breadth and depth of SCQF level qualifications for leavers as a measure against our virtual comparator.
- 3.4 A complete picture of the performance of a school (or a local authority, or across Scotland as a whole), requires data from all four of the key measures to be considered together. However, as indicated in the Insight update letter of 22 February 2021, "Care should also be taken when comparing attainment to the virtual comparator, or indeed when making comparisons across schools. Users are reminded that National/Leavers attainment data (as updated in the February 2021 Update) may include attainment gained across a number of academic sessions and therefore reflect differing approaches to certification dependant on the session in which the achievement was certificated". This is in direct response to the cancellation of the SQA exam diet for session 2019/20 and the use of school based estimates as an integral measure of attainment.
- 3.5 Although the latest set of annual exam results become available on Insight in September each year, the school leaver destinations data is not available until December, this then appears in Insight in February of the following year. Therefore, it will only be possible to provide a complete picture of attainment and achievement from March onwards each year.

### **Insight Benchmarking Measures – National Measures**

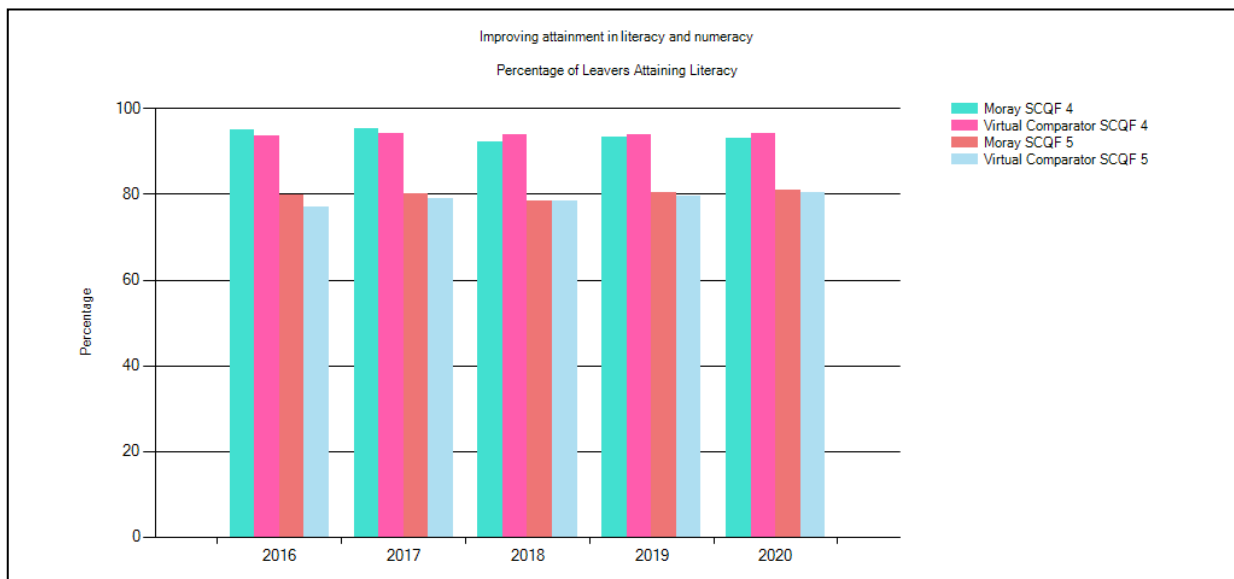
- 3.6 As noted in paragraph 3.2 above, the data for the four national benchmarks will be available each year in late February, once the school leavers' data has



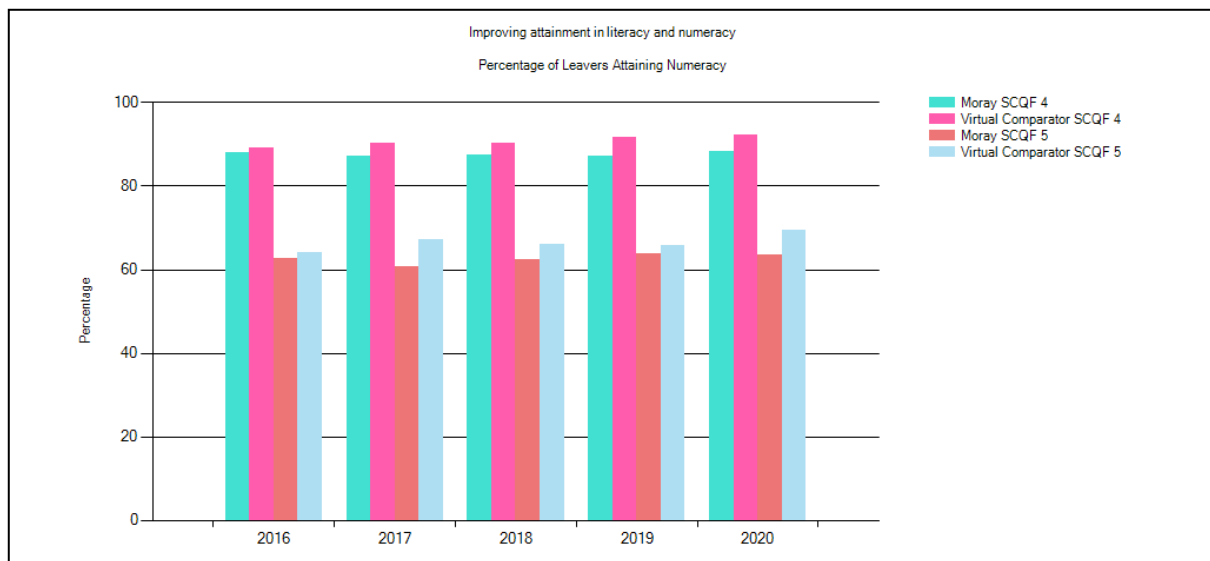
been compiled. It is especially important to reiterate that this represents data for all school leavers from S4–S6 for the school year 2019/20, as opposed to individual cohorts of learners. The National Measures exclusively profile our school performance for learners at the point of exit from secondary school education. The Local Measures, also available on Insight and referred to in the Committee report on 18 November 2020 (para xx of the minute refers) detail the performance of schools on a cohort by cohort basis. To minimise confusion, it is recommended that we will report solely on the four National Measures in March/April each year. Local attainment performance analysis will take place involving principal teachers and other school senior leaders from September onwards, classified by year group, subject, level of qualification, gender and other filters pertinent to each school.

## Improving attainment in Literacy and Numeracy

*Improving attainment in Literacy*  
 % of leavers achieving an award in Literacy at SCQF Levels 4 & 5 (2020)



*Improving attainment in Numeracy*  
 % of leavers achieving an award in Numeracy at SCQF Levels 4 & 5 (2020)



3.7 The above graphs present the percentage of leavers achieving an award in Literacy and Numeracy at Scottish Credit and Qualifications Framework (SCQF) Levels 4 and 5 by the end of their school experience in Moray as compared with its virtual comparator for each of the last five years.

	Moray			Virtual Comparator		
	2018	2019	2020	2018	2019	2020
Literacy Level 4	92%	93%	93%	94%	93%	94%
Literacy Level 5	78%	81%	81%	79%	80%	81%
Numeracy Level 4	88%	87%	88%	90%	92%	92%
Numeracy Level 5	62%	64%	64%	66%	66%	69%

3.8 The additional information in the table shows with regard to literacy and numeracy, Moray has maintained SCQF level 4 and 5 literacy, the gap between performance in Moray and the Virtual Comparator reducing to 1% for Level 4 Literacy and Level 5 Literacy equalling the VC. Numeracy at Level 5 maintaining previous improvement although the gap with the VC is increasing. The orange shading denotes no improvement or reduction in performance and the green shading showing an improvement from the previous year.

3.9 When compared with our targets for Literacy and Numeracy within the Raising Attainment Strategy, we are slightly below the targets set; for Literacy our target was 94% of leavers to achieve Level 4 Literacy and we achieved 93% as a Moray Average and for Numeracy Level 4 we were 3% below our target. However, Elgin Academy, Keith Grammar, Milne's High and Speyside High equalled or exceeded the Moray target for Literacy and for Numeracy the target was exceeded by Keith Grammar, Lossiemouth High, Milne's High and

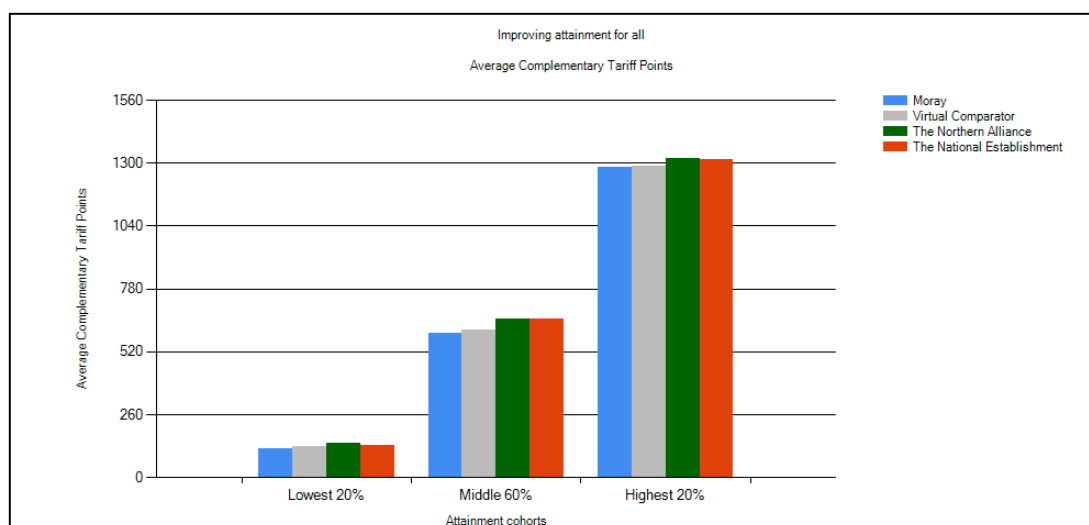
Speyside High. We are continuing our ongoing focus on Literacy and Numeracy in our secondary schools.

- 3.10 Ongoing work to focus on Literacy and Numeracy continues to be a key area for improvement in our service during this further lockdown. As pupils begin to return to school this term, there is a targeted approach to assessment which is supported by an increased accuracy of data gathering. The focus remains on increasing the proportion of learners achieving both literacy and numeracy at level 5 by the end of their school experience an aim in all our schools.
- 3.11 There are a number of initiatives in place in Moray to support the improvement of attainment in both literacy and numeracy:
- Additional time spent in the Broad General Education as well as the Senior Phase to identify gaps in both learning and attainment
  - Targeting pupils to undertake a range of assessments to ensure the highest level of Literacy and Numeracy is attained, supported by robust tracking and monitoring in place in all of our secondary schools
  - Development of literacy and numeracy across the curriculum as a responsibility of all, including tracking of literacy and numeracy in the Broad General Education as well as working with primaries
  - Literacy and numeracy is further scrutinised at school level and is an ongoing focus for central staff discussions and school visits taking place virtually during lockdown
  - Our targets for leavers attaining Level 4 Literacy and Numeracy for session 2020/21 is 96% for Literacy and 92% for Numeracy.

#### **Improving attainment for all**

- 3.12 This measure allows us to examine how different ability cohorts are attaining in relation to the appropriate virtual and national cohorts. Attainment is measured using the tariff scale, which was developed for Insight; this allocates a specified number of points to each qualification (including units), with more demanding qualifications gaining more points than less demanding ones. Three ability cohorts are identified for each school, its virtual comparator, the Northern Alliance (Regional Improvement Collaborative) and Scotland as a whole: those in the bottom 20% of tariff points scored, those in the top 20% of tariff points scored, and those that fall within the middle 60% of tariff points scored.

*Improving Attainment for all*  
Average Complimentary Tariff Score of school leavers by ability cohorts (2020)



Complimentary Tariff Points	Lowest 20% 2020	Lowest 20% 2019	Middle 60% 2020	Middle 60% 2019	Highest 20% 2020	Highest 20% 2019
Moray	117	127	595	555	1284	1205
Virtual Comparator	130	130	610	568	1286	1244
The Northern Alliance	142	133	654	591	1321	1252
The National Establishment	133	134	657	623	1313	1267

- 3.13 The above graph shows attainment data of young people leaving school in 2020. It shows that in Moray, the Lowest 20% are slightly below the virtual comparator authority equivalent (by 13 tariff points which is almost equivalent to just one unit award at SCQF level 3). This is a small decrease from last session and there is practice to learn from schools who are performing well for this measure; the schools who are performing well in this area are Elgin Academy, Keith Grammar, Milne's High and Speyside High. Discussions with schools have identified this as a target group to ensure the early identification of the cohort, as well as the curricular and SCQF level offer in place in terms of suitability. This includes improving the tracking and monitoring strategies to ensure the appropriate interventions are in place. The SQA system for resulting awards this year is being rigorously planned and monitored in order to improve this measure for all young people.
- 3.14 The middle 60% are broadly in line with the virtual comparator (15 points lower, which equates to an Added Value unit at SCQF level 4) but are below the Northern Alliance and national average. However, the complementary tariff points for the Middle 60% of leavers has improved from last session by 40 points which is more than a course award at SCQF level 4. The schools who are performing well for this group of leavers are Elgin Academy, Milne's High and Speyside High. This again reflects the performance of this group as a cohort and in discussions, schools are reviewing their processes to ensure a

range of high impact interventions support curricular choice and progression for learners.

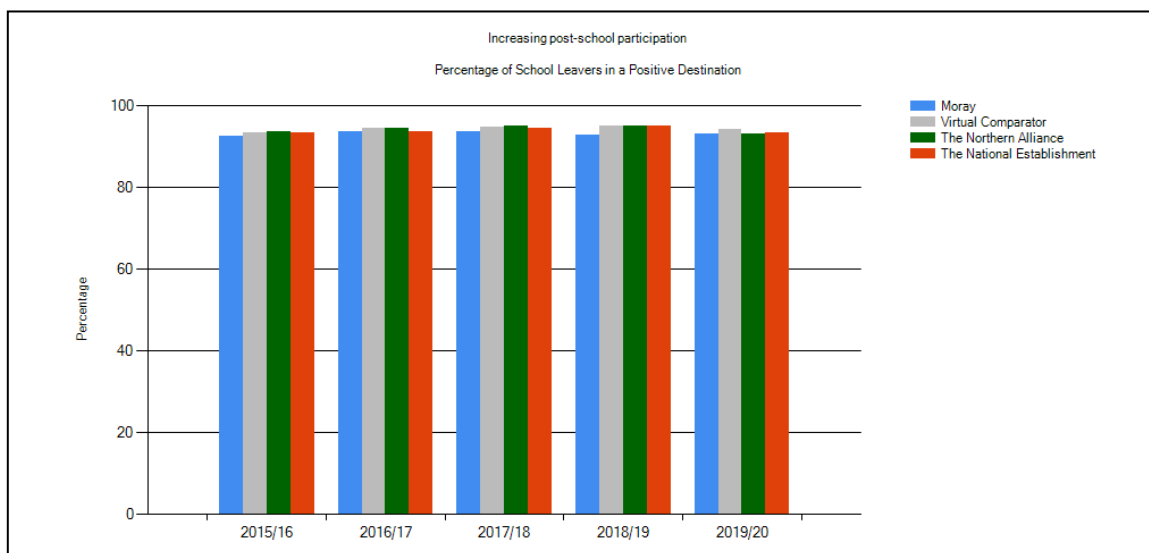
- 3.15 The Highest 20% is marginally lower than the virtual comparator (2 points), Northern Alliance (37 points) and national (29 points). This is a marked improvement and the gap in this measure is closing from session 2018/19 with an improvement of 79 tariff points, which broadly equates to an A at SCQF level 5. There is ongoing work to ensure tracking and monitoring of progress is directly linked to aspiration and a main strategy will be to support and mentor young people to ensure we improve the grades achieved by learners, eg D grades improved to a C, C grades improved to a B and B grades improved to an A, which will bring the tariff points in line with our comparators. Schools who have performed well in this area are Elgin Academy, Elgin High and Speyside High.

It should be noted that this measure looks at the complimentary total tariff score which is not affected by the number of qualifications and units a young person completes; this removes inequality and anomalies with curriculum structures across Scotland, of which there are many.

### Leaver Initial destinations – Increasing post school participation

- 3.16 This measure shows the percentage of young people securing an initial positive destination when they leave school.

*Increasing post-school participation*  
Percentage of School Leavers in a Positive Destination (2020)



- 3.17 Destinations figures reflect both choices made by pupils, as well as the opportunities available to them upon leaving school. The availability of particular opportunities (employment opportunities, for example) may have been directly affected by the coronavirus (COVID-19) pandemic, while options available to school leavers may also have been affected by the impact of the

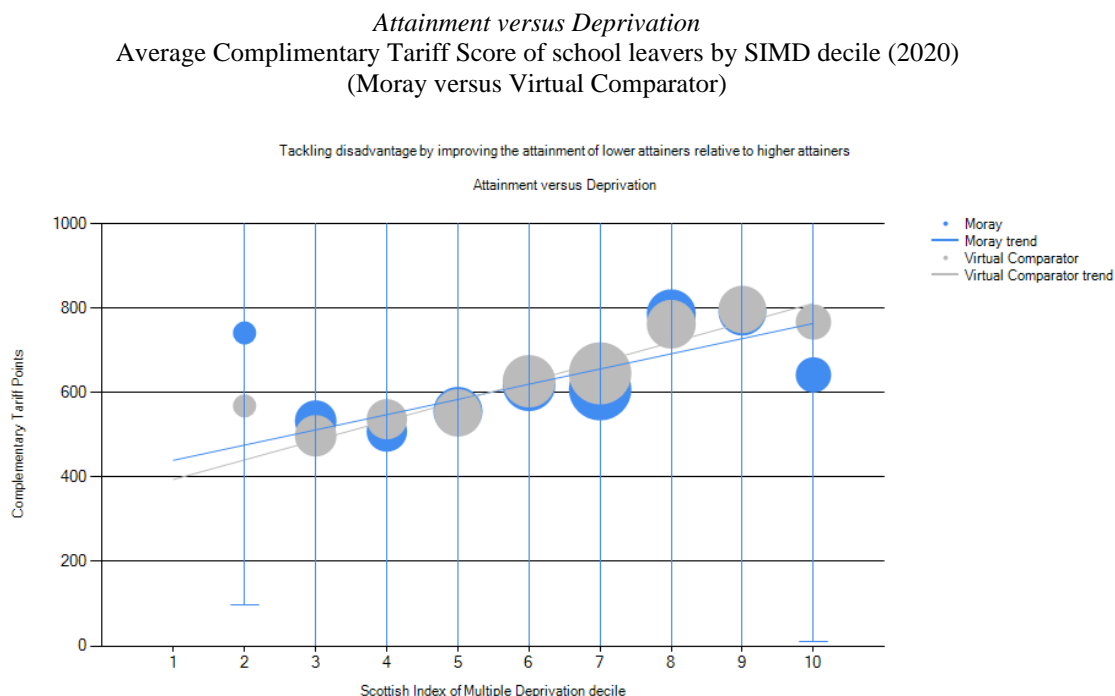
approach to certification in 2020 on attainment levels. This should be considered when reviewing this measure.

- 3.18 The above graph shows 5 years data on the percentage of Moray school leavers progressing onto a positive destination compared against their virtual comparator, the Northern Alliance and nationally. There has been an improvement in this measure and Moray has on average seen an improvement; with Moray performing above the Northern Alliance and broadly in line with the national average for session 2019/20. This measure last year was very disappointing and as a result of much work being undertaken the Moray data is much improved, with Moray now being positioned 14<sup>th</sup> out of 32 local authorities.
- 3.19 A great deal of work was undertaken in gathering leaver data using a Microsoft Form where data was entered remotely, captured within a spreadsheet and allowed our other administrative processes with Skills Development Scotland to be finely tuned for accuracy. This was also complemented by a partnership Pathway Planning approach with supporting guidance to ensure that all schools and partners worked collaboratively and smartly to support our school leavers. This is being developed as a positive case study by Skills Development Scotland for further use on a national basis. The schools who are performing well in this area are Elgin Academy, Elgin High School, Milne's High and Speyside High. We will continue to focus on this area in order to reach our target for session 2020/21 of 97%.
- 3.20 The table below shows the destinations for Moray young people who left school at the end of session 2019/20.

	Year	% Employed	% Further Education	% Higher Education	% Not known	% PSD	% Training	% Unemployed Not Seeking	% Unemployed Seeking	% Voluntary Work
Moray	2019/20	17.8	32.14	39.78	1.31	1.08	2.03	1.43	4.18	0.24
VC	2019/20	19.02	29.68	41.12	0.73	0.57	3.27	1.62	3.44	0.54
Northern Alliance	2019/20	18.78	27.5	43.39	1.23	0.37	2.57	2.08	3.70	0.38
National	2019/20	16.18	28.06	44.2	0.67	0.79	3.68	1.83	4.14	0.45

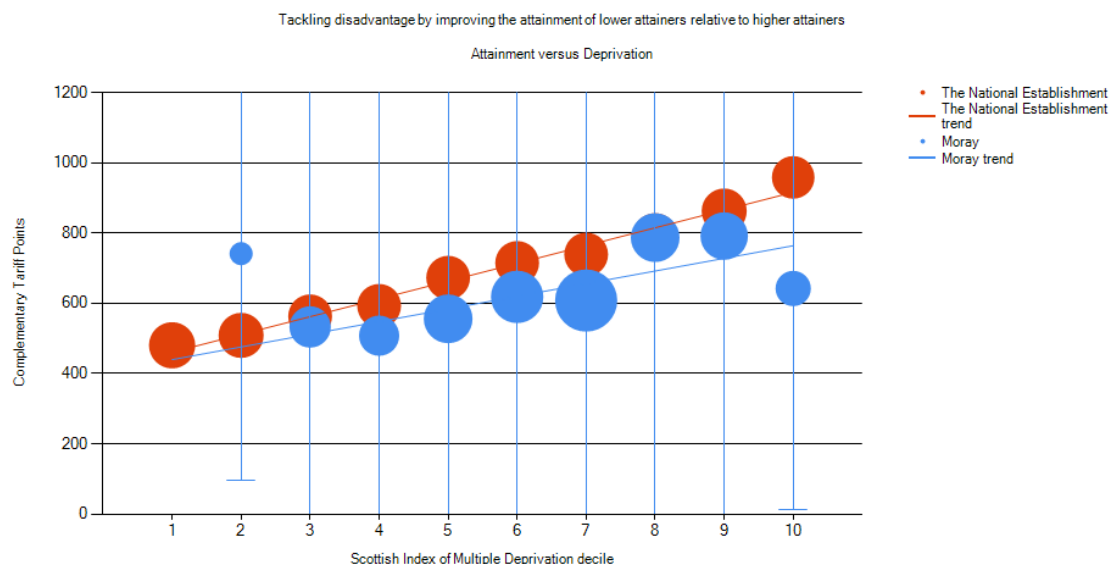
- 3.21 The percentage going into Further Education is higher than all comparators, which is a change from leaver destinations in 2018/19; with the percentage going into Higher Education lower than all comparators. There is a reducing number of leavers from Moray going into employment straight from school and this is a change from previous years; with likely reasons associated with Covid-19 and related economic downturn and challenge within Moray. The destination breakdown for Moray is collated from 8 very different schools who have a range of pathways for all groups of learners to progress to various destinations. Of note is the increase in Higher education and reduction of those leavers going into employment; we continue to work with partners, including Skills Development Scotland to ensure all learners have access to information and support to access appropriate pathways.

## Tackling disadvantage by improving the attainment of lower attainers relative to higher attainers



- 3.22 The above graph shows 2019/20 leaver attainment data (using the complimentary tariff scores) for Moray and its virtual comparator, broken down into ten deciles according to Scottish Index of Multiple Deprivation (SIMD) data. Decile 1 refers to the attainment of young people with postcodes within datazones identified as being the 10% most deprived in Scotland according to SIMD, whilst decile 10 refers to those young people with postcodes in the top 10% of the least deprived datazones according to SIMD. In Moray there now young people within decile 1. We continue to monitor the use of SIMD as a measure in authorities where rural poverty is a concern, yet not fully considered nationally.
- 3.23 The graph suggests that school leavers within Moray compare well against the virtual comparator within deciles 3-9 with the tariff scores either above or generally in line with the virtual comparator average tariff score. The performance for those young people in decile 2 is above the virtual comparator with decile 10 lower than the virtual comparator, a similar position to last session. The performance of the young people in decile 2 is notably above the virtual comparator. It is important to be aware of the numbers of young people appearing in each of these deciles. This is represented proportionately in the graph by the area of the circles, with the above graph showing the highest concentration of young people in Moray are in deciles 5-9. It is interesting to note that the vertical lines show the range of attainment of tariff points within each decile.

*Attainment versus Deprivation*  
Average Complimentary Tariff Score of school leavers by SIMD decile (2020)  
(Moray versus National Trend)



- 3.24 The comparison can also be made against the national picture rather than the virtual authority. This picture shows that the young people in deciles 4-7 and 9 and 10 are performing less well against the national average. The leavers in deciles 2 across Moray compares well with their national comparators.

As a note, SIMD does not consider the rural context of Moray or similar local authorities.

### Breadth and Depth of Qualifications

- 3.25 We can also consider the breadth and depth of the range of qualifications which are the awards gained by level. This demonstrates the suite of qualifications that leavers gain throughout their senior phase.

Awards	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
1 or more	98%	97%	97%	95%	88%	61%	22%
2 or more	95%	95%	94%	91%	91%	54%	10%
3 or more	93%	92%	92%	91%	75%	49%	4%
4 or more	89%	88%	88%	86%	67%	42%	1%
5 or more	84%	84%	83%	82%	62%	34%	0%
6 or more	77%	77%	76%	74%	55%	23%	0%
7 or more	63%	62%	62%	60%	44%	15%	0%
8 or more	48%	48%	47%	46%	31%	6%	0%
9 or more	31%	31%	31%	29%	19%	2%	0%
10 or more	18%	18%	18%	17%	9%	1%	0%



- 3.26 The boxes shaded in green within the table above show a higher percentage of leaver overall attainment than during session 2018/19. This demonstrates more young people having more than one SCQF Level 6 or 7 qualifications upon leaving school than previously and more leaving with a greater number of SCQF Level 1-6 qualifications when they leave with a high percentage leaving with more than 7 SCQF Level 1-6 qualifications. Within Moray, there is some considerable work being undertaken to review and improve the curricular offer for senior phase pupils which will directly impact on the breadth and depth measure, including other attainment measures as detailed above.

	SCQF Level 5					SCQF Level 6			SCQF Level 7
	1+	3+	5+	6+		1+	3+	5+	1+
<b>2020</b>									
<b>Moray</b>	88%	75%	62%	55%		61%	49%	34%	22%
<b>Virtual Comparator</b>	88%	76%	65%	57%		63%	50%	37%	23%
<b>2019</b>									
<b>Moray</b>	89%	75%	62%	50%		59%	44%	29%	19%
<b>Virtual Comparator</b>	88%	74%	61%	53%		61%	46%	32%	20%

- 3.27 The key measures for SCQF Level 5 attainment are 1 or more, 3 or more, 5 or more or 6 or more. Within the measure for 6 or more we have a 5 year high and are closing the gap with the virtual comparator. The boxes shaded in green show an increase from session 2018/19. Our target for leavers achieving 5 or more SCQF Level 5 for 2020/21 is 67%. The schools which have performed well in this area of 5 or more at SCQF Level 5 are Elgin Academy, Milne's High and Speyside High.
- 3.28 The key measures for SCQF Level 6 are 1 or more, 3 or more and 5 or more; at all measures we are below all comparators and is a continued area of focus in our schools. We have improved from session 2018/19 and in some areas closed the gap with our virtual comparator. This is an area which continues to be addressed at school attainment meetings and our targets for leavers achieving 5 or more SCQF Level 6 2019/20 is 38%. Schools who perform well for 5 or more at SCQF Level 6 measures are Elgin Academy, Elgin High, Forres Academy, Milne's High and Speyside High.
- 3.29 At level 7, we consider one or more as a measure and we are broadly in line with previous years and our virtual comparator. SCQF Level 7 should be considered if appropriate for learner pathways and for some learners additional SCQF Level 6 qualifications can be a preference for some universities. Schools which perform well in this area are Elgin Academy, Elgin High, Forres Academy and Speyside High.

### Summary

- 3.30 As the conclusion to a year of uncertainty and unprecedented times, the leaver attainment in Moray shows a number of improvements against previous attainment and comparator performance. We continue to monitor

progress against our previously agreed attainment targets. Some of our schools are performing well and contributing positively to the overall Moray averages and for other schools there continues to be work to be done to support and challenge performance; this is being undertaken in a range of ways during session 2020/21 and Covid-19 restrictions. These actions being taken are linked to our Raising Attainment Strategy as well as the ongoing work with Senior Phase curriculum development to provide a robust, responsive and appropriate learning offer to ensure that in Moray we meet the needs of all of our learners. This aspect of Curriculum Development will be presented more fully to a future Education, Communities and Organisational Development committee.

#### **4. SUMMARY OF IMPLICATIONS**

##### **a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Policy was informed by the priorities within the Corporate Plan and 10 Year Plan and in particular to Ambitious and Confident Children and Young People and A Growing and Diverse Economy.

##### **b) Policy and Legal**

There are no legal implications arising from this report.

##### **c) Financial implications**

There are no financial implications arising directly from this report.

##### **d) Risk Implications**

There are risk implications if we cannot support national expectations and requirements in relation to this key national policy directive. The risks associated with failure to support expectations and requirements are the potential negative impact on school inspection reports and in the failure to improve learner achievement and attainment. This would have a direct impact on any reporting to the Scottish Government on National Improvement Framework areas. An ongoing risk continues to be Covid-19 with school closures and partial reopening having an impact on progress schools are making with the ongoing late release of information and processes from the Scottish Qualifications Authority.

##### **e) Staffing Implications**

There are no staffing implications arising directly from this report.

##### **f) Property**

None.

##### **g) Equalities/Socio Economic Impact**

An Equality/Socio Economic Impact Assessment is not required as this report is to inform Committee on performance.

**h) Consultations**

Senior Officers in Education, Communities and Organisational Development, Paul Connor, Principal Accountant, Equal Opportunities Officer, Human Resources Manager, Tracey Sutherland, Committee Services Officer have been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

**6. CONCLUSION**

- 6.1 The Committee is invited to consider and comment on the updated attainment information of young people in Moray with specific regard to the National Measures published on Insight in February 2020.**
- 6.2 That committee acknowledges the intention to present a further document to Committee on Curriculum Development in the Senior Phase**

Author of Report: Karen Lees, Quality Improvement Manager  
Background Papers:  
Ref: SPMAN-1315769894-41






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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE ON 31 MARCH 2021**

**SUBJECT: EDUCATION RESOURCES AND COMMUNITIES AND  
EDUCATION CAPITAL BUDGET MONITORING REPORT TO 31  
JANUARY 2021**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT)**

## **1. REASON FOR REPORT**

- 1.1 The purpose of this report is to inform Committee of projects and proposed expenditure for Capital Budgets within Education Resources and Communities and Education for 2020/2021.
- 1.2 This report is submitted to the Education, Communities & Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this Committee, the combining of the delegated responsibilities of Children and Young People's Services, Governance, Strategy and Performance (paragraph 9 of the Minute refers).

## **2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee scrutinises and notes the contents of the report.**

## **3. BACKGROUND**

- 3.1 It is the practice of this Committee to receive regular reports both providing an update on the current financial position of the capital programme and seeking approval to implement projects when they arrive at a suitable point of development.
- 3.2 At the meeting of the Moray Council on 3 March 2020 (paragraph 2 of the minute refers) Council approved the capital plan for 2020/21.
- 3.3 The capital budgets covered in this report and a list of the major projects from this financial year are contained within the Education Resources and Communities and Education Capital Plan under **APPENDIX I**.

#### **4. BUDGET FOR 2020/21**

- 4.1 The total approved Capital Budget for Education Resources and Communities and Education for financial year 2020/21 is as follows:-

	<b>20/21 £000</b>
Land & Buildings	16,137
Vehicles, Plant & Equipment	171
<b>Totals</b>	<b>16,308</b>

- 4.2 Actual expenditure up to 31 January 2021 including carry forwards from 2019/20 is £14.562m.

#### **5. MAJOR PROJECTS**

##### Schools Essential Maintenance Programme:

- 5.1 The schools maintenance programme for 2020/21 was agreed and well progressed in discussion with the appointed Contractor when the COVID-19 crisis commenced in March. Senior Management made the decision to suspend all internal works in schools for the summer of 2020, particularly when critical preparations for the safe return of pupils in August was considered highest priority. The Contractor had placed orders for materials when lock down commenced. Payment was made for this, with all other works postponed until summer 2021.
- 5.2 Housing and Property Services have commenced preparations to substitute essential maintenance projects to external building fabric repairs that can be carried out safely during school term time, to utilise budget capacity in 2020/21 and these will continue into 2021/22.
- 5.3 At the meeting of this Committee on 25 November 2020 (paragraph 27 of the draft minute refers) additional external building fabric projects approved based on current condition and maintenance assessments were:
- Hythehill Primary School – new external render
  - East End Primary School – new windows and external render
  - Milnes High School – replacement flat and pitched roofing
  - Pilmuir Primary School – replacement flat and pitched roofing
- Negotiations with the appointed Essential Maintenance Programme Contractor have commenced.
- 5.4 Current projections indicate estimated expenditure of £0.569m for 2020/2021 including the additional approved building fabric projects. This reflects delays due to the second COVID lockdown.
- 5.5 A programme of planned works for the Learning Estate has been developed for 2021/22 corresponding with the approved total budget of £4.655m, including carry forward underspend from the current year. The programme will consist of the postponed internal works from this year and the external building fabric projects in paragraph 5.3. These works would be phased in such a way that the programme could adapt quickly if further COVID-19

restrictions were put in place that affected the schools or the construction industry either locally or nationally.

## **6. NEW BUILD (SCHOOLS)**

### Lossiemouth High Replacement Project:

- 6.1 Handover of the building took place on 12 February 2021 as per the revised programme. The school, community centre and community library will move into the new building during the Easter holidays, with exceptional closure days being granted by the Scottish Government to facilitate the move. Pupils and the public will be able to occupy the building as of 14 April 2021. The second phase of work will then begin, comprising of demolition of the current building, construction of the 3G pitch and landscaping, with a completion date of 21 March 2022, a delay of 32 weeks on the original programme.
- 6.2 The contract entitles the contractor to costs due to the delays experienced following the COVID-19 government restrictions. These costs are currently being negotiated between the Council and hub North Scotland. The costs will be substantial, however remain commercially sensitive until agreement is reached. Once agreement is reached, these figures will be reported to Committee and will be shown in a separate line within the Capital Plan.
- 6.3 The Scottish Government (SG) are funding two thirds of the project and have been approached by the Council to contribute to the additional COVID-19 costs. The Scottish Government have requested that agreement is reached with hub North Scotland before they will fully consider the request. Negotiations are at an advanced stage with only a small number of areas to be agreed.
- 6.4 Visits to the new facility are being co-ordinated in line with current COVID restrictions to allow school and council staff the opportunity to see the building prior to occupation. The chair and vice chair of ECOD and Councillors whom are part of the Transform Learning Programme Board have been invited to a visit scheduled for 17 March 2021. In addition, both a video and a 3D interactive model of the building are being developed which will be distributed to pupils in advance of occupation to help aid orientation of the new build.

### Linkwood Primary School:

- 6.5 Since the school became operational on 14 January 2021 feedback on the school from the Head Teacher is "it's been lovely to have the majority of our pupils back into school and to hear the children enjoying their wonderful new space and amazing building".
- 6.6 Officers have established costs incurred due to the delayed handover in order that these are recovered from hub North Scotland, these have been presented to hub North Scotland. The costs relate to liquidated and ascertained damages at a pre-determined rate for the delayed handover, additional water sampling and aborted removal costs. The final account is close to being agreed and the costs incurred will be offset against the final account.
- 6.7 The contract entitles the contractor to costs due to the delays experienced following the COVID-19 government restrictions. These costs are currently being negotiated between the Council and hub North Scotland and are close

to being agreed. The costs will be substantial, however, remain commercially sensitive until agreement is reached. Once agreement is reached, these figures will be reported to Committee and will be shown in a separate line within the Capital Plan.

- 6.8 The Scottish Government (SG) are not funding the project, but they have been approached by the Council to contribute to the additional COVID-19 costs. The Scottish Government have requested that agreement be reached with hub North Scotland before they will fully consider the request. Negotiations are at an advanced stage with only one area remaining outstanding.

#### Findrassie Primary School

- 6.9 At the special meeting of the Moray Council on 9 October 2020 (paragraph 4 of the minute refers) Council approved that a new Primary School at Findrassie would be the priority project submitted to the Scottish Government Learning Directorate for funding through the Learning Investment Programme (LEIP). On 18 December 2020, the Scottish Government announced that Findrassie Primary school was one of 25 projects, which had been awarded LEIP funding. Preparations are underway to begin consultation on the project within the Elgin Academy ASG. The time required to arrange the consultation process will result in an underspend of the projected budget for the project in 2021/22.

### **7. EARLY LEARNING CHILDCARE EXPANSION**

- 7.1 The Early Learning Childcare (ELC) Capital Programme includes 4 new build nurseries and 7 refurbishments. Projects are now complete at:

- Lady Cathcart, Buckie;
- Lhanbryde Primary;
- Burghead Primary;
- New Elgin Primary;
- Cullen Nursery; and
- Mortlach Primary, Dufftown

#### Pilmuir Nursery

- 7.2 The new nursery building is complete and has been operating from August 2020 with the refurbishment element of the works completing on 29 January 2021.

#### Keith Nursery

- 7.3 Work started on site for the new build nursery on 31 August 2020 and is programmed to complete 9 July 2021.

#### Mosstodloch Primary School Nursery

- 7.4 The nursery classroom within the existing school is to be refurbished and a small extension added to provide additional accommodation. Works to form a kitchen in an adjacent classroom have begun to provide decant accommodation while the works are undertaken. The negotiated tender is at an advanced stage in discussion with the contractor.



#### Aberlour Primary School Nursery

- 7.5 Layout plans have been agreed and a Planning Application has been submitted. Listed Building consent has been received. Tender documentation is being prepared and negotiations with the contractor are at an advanced stage. To carry out the full refurbishment and extension the Council and private nursery require decant accommodation within Aberlour. An options appraisal for the decant accommodation is currently being undertaken with a site adjacent to the Primary School identified for the Council nursery and a site adjacent to the High School identified for the private nursery.

## **8 LEISURE AND LIBRARIES**

#### Gladstone Integration Project

- 8.1 This project is nearing completion. The database system has been integrated from the customer perspective with background configuration work currently being finalised.

#### Moray Leisure Centre Fabric Condition Survey

- 8.2 A condition survey has been completed to establish the condition of the fabric of the Leisure Centre building. This was deemed appropriate given that the Council owns the building and there is a need to identify future maintenance commitments and potential costs.

#### Milnes Fitness Suite Upgrade Equipment

- 8.3 New fitness room equipment has now been ordered for the fitness suite at Fochabers and is awaiting delivery and installation.

## **9. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)).**

This report supports the Council's corporate working principles of efficiency, effectiveness and economy.

**(b) Policy and Legal**

Future programmes of work funded from the Capital Programme will require policy decisions to help inform how schools' projects will be prioritised and in the case of refurbishments, to what standard.

**(c) Financial Implications**

The approved capital budget for 2020/21 schools essential maintenance programme is £3.2m. This report provides updates on all key areas of spend.

**(d) Risk Implications**

The school estate (excluding new build) continues to deteriorate. The level of investment that the Council is able to afford is insufficient to maintain all schools to B/B standard. The risk of building failures, temporary closures and/or health and safety risks continue to be an ongoing concern for Property Services. The programming of work within schools is subject to change as government guidance is issued in relation to COVID-19 restrictions.

**(e) Staffing Implications**

There are no staffing implications associated with this report.

**(f) Property**

There are no property implications other than those detailed in the report.

**(g) Equalities/Socio Economic Impact**

There are no equalities or socio economic implications associated with this report.

**(h) Consultations**

Consultations have been undertaken with Paul Connor, Principal Accountant; the Property Resources Manager; the Design Manager; the Legal Services Manager; the PPR and Communications Officer; Equal Opportunities Officer; Head of Education Resources and Communities, Head of Education and Tracey Sutherland, Committee Services Officer. Where comments have been received, these have been included within the report.

**10. CONCLUSION**

**10.1 This report presents the Education Capital Works budget to 31 January 2021. It clarifies the status of a number of capital projects and the financial implications associated with each of them where appropriate.**

Author of Report:	Moray MacLeod, Acting Head of Housing and Property Services
Background Papers:	Education Capital Budgets 2020/2021
Ref:	SPMAN-1285234812-739

**Moray Council Capital Programme 2020/21**  
**As at March 2021**

**APPENDIX I**

	Current Capital Plan 2020/21 £000	Actual Expenditure £000	Total Projected Expenditure £000
<b>Land &amp; Buildings</b>			
<i><b>Schools - BB - Investment to bring all schools to B for condition and B for suitability</b></i>			
Speyside High School replace hot & cold water supply	6	10	10
Cluny Primary replace heat source/pipe work kitchen & dining area	159	134	159
Forres Academy replace hot water supply, heating & gas pipe work	36	38	38
New Elgin Primary replace heating pipe work	6	9	9
Andersons Primary electric rewire incl. power and lighting	9	8	9
Burghead Primary replace heating system and pipe work	6	3	6
East End Primary window replacement programme	1	1	1
East End Primary drainage works )	3	3	3
East End Replace heating Distribution Pipework		31	
Millbank Primary drainage works )			
Applegrove Primary drainage works )			
Seafeld Primary drainage works )			49
St Gerardines Primary drainage works )			
Forres Academy drainage works )		4	
Andersons Primary Drainage )			

Hythehill Primary - 619393 PS access control	1	0	1
Hythehill Primary - 619394 - Flat Roof Replacement Ph2	9	9	9
Hythehill Primary - Replace Windows	315	117	125
Hythehill Primary - Insulated Render	2	2	2
East End Primary External Insulated Render	0	2	2
Milnes High - Replace Roofing	3	3	3
Pilmuir Primary - Replace Roofing	43	1	43
Buckie High Science Gas & Electrical upgrade		99	99
New Elgin Primary Conversion of former nursery toilets to office space		1	1
<b><i>Schools - New Build</i></b>			
Lossiemouth High School	9,238	8,549	9,536
Linkwood Primary School Elgin	2,919	3,318	3,318
Findrassie Primary School Elgin	150	0	150
<b><i>Other Schools</i></b>			
Legionella works - Schools	0	1	1
Schools -Fire, Safety and Security - Minor Works	100	24	100
Schools Accessibility	70	70	70
3G Synthetic turf pitches	13	0	13
4 Schools Refurb	0	46	46
Milnes Primary - 61582 Nursery Extension		68	68
<b><i>Early Learning &amp; Childcare</i></b>			
Expansion of Early Learning & Childcare Provision	2,808	2,011	2,808
<b><i>Libraries &amp; Leisure</i></b>			
All public facilities	10	0	10

<b>Total Children and Young People's Services Committee</b>	<b>15,907</b>	<b>14,562</b>	<b>16,689</b>
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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE ON 31 MARCH 2021**

**SUBJECT: MORAY EARLY LEARNING AND CHILDCARE - MEETING  
FUTURE DEMAND**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT)**

## **1. REASON FOR REPORT**

- 1.1 To inform Committee of the demand for early learning and childcare provision in the Speyside, Buckie and Elgin Academy Associated School Group areas.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People Services, Governance, Strategy and Performance, (para 9 of the minute refers).

## **2. RECOMMENDATION**

### **2.1 The Committee is asked to:**

- (i) **note the pressure for early learning and childcare places in the Speyside, Buckie and Elgin Academy Associated School Group areas;**
- (ii) **note the actions taken by Officers and our partners to meet this demand; and**
- (iii) **agree that further reports will be submitted to this Committee in relation to the specific plans to address the demand for early learning childcare places.**

## **3. BACKGROUND**

- 3.1 Members will recall that an up-date report on the expansion of Early Learning and Childcare (ELC) was submitted to this Committee on 3 February 2021 as an information report.

- 3.2 The report highlighted the significant progress that Moray Council and our providers had made in implementing the ELC Delivery Plan and thereby being able to meet the statutory duty to deliver 1140 hours of funded ELC for three, four years and eligible two year olds from August 2021.
- 3.3 While the report highlighted increased and high levels of parental satisfaction in terms of the availability and quality of early learning and childcare, the report nevertheless highlighted a pressure for places in relation to 3 Associated School Group Areas.
- 3.4 In the Speyside ASG area over the last 15 months, an estimated 15 places have been lost due to childminders choosing to no longer operate. Compounded by a small reduction of places at settings due to COVID restrictions we are experiencing a shortage of childcare places in this area.
- 3.5 In the Buckie ASG area, despite almost doubling the number of places at Lady Cathcart Nursery in recent years, we are also experiencing a shortage of childcare places. Although all children were able to be placed for the January and April intakes, we were unable to offer places to the preferred first and second choices identified on the registration form.
- 3.6 In the Elgin Academy ASG, a combination of the recent announcement of the deployment of 300 additional RAF personnel along with the building of Findrassie housing estate, will place pressure on ELC places.

#### **4. PROPOSALS**

- 4.1 The steps taken to address demand in each of the above 3 ASG areas will be outlined in turn in this section of the report.

##### **Speyside ASG**

- 4.2 Last year, the situation was that Rothes Nursery, Aberlour Nursery and Aberlour and Craigellachie Nurseries were all operating with waiting lists for places.
- 4.3 While the refurbished at Aberlour Nursery (Council) at the Primary School will change from operating on a term-time to a year round 1140 hour model, there will only be a small increase in the number of places being able to be offered at this setting.
- 4.4 Combined with the decrease in the supply of childminder places, there is an indication that in the next 10 years that there will be a small increase in demand for childcare places. This is based on projections from the National Records of Scotland (NRS) who published a 'one off' small area age projection based on the 2012 population broken down to sub-council areas.
- 4.5 It is therefore the expectation that the Council will experience a continuation of pressure on local childcare provision in the Aberlour and Rothes area in the years to come.



- 4.6 Previously, a change management plan was written to TUPE the manager and staff of Aberlour and Craigellachie Pre-School Nursery to the Council, which would have resulted in the private provider nursery being closed. However, this has not been progressed due to forecast data which evidences demand for future places.
- 4.7 Furthermore, it will not possible to operate both the private provider and the Council nursery from the same building after the refurbishment. This leaves the private provider with no premises but still a high level of demand to be met.
- 4.8 When the construction phase begins at Aberlour Primary School, both the Council and private provider nurseries will be temporarily relocated in bespoke mobile units. When this 4 month construction phase is complete, only the Council nursery will return to the Primary School and Aberlour and Craigellachie Pre-School Nursery will remain in the temporary unit.
- 4.9 A new setting for Aberlour and Craigellachie Pre-School Nursery will need to be secured for the provider and, unfortunately, no existing accommodation which would be fit for purpose has been identified in the Aberlour area.
- 4.10 The ELC Programme Board has undertaken an option appraisal and identified that the old library within the Speyside High School grounds would be the preferred option.
- 4.11 The initial cost estimate for a new build at this site has been identified in the region of £750k to £1,250,000. While the development of this proposal is still at an early stage, including if the setting would be term time or year round, it is possible that funding for this development could be sourced from a transfer of Capital from the Current ELC Revenue Budget (CFCR).
- 4.12 This proposal and the means of funding this development do require further work and it is the intention to bring a more detailed report with recommendations to this Committee at a later date.
- 4.13 In the short-term, minor renovation work is being undertaken at Rothes Nursery. This will support a small increase in childcare places for this August.
- 4.14 In Dufftown, The Cabin, which is a private provider nursery, has also reported that they are currently operating at full capacity.
- 4.15 With support from Dufftown and Mortlach Development Trust and community regeneration company Truerlein, The Cabin Management Committee have appointed their own project officer to undertake an options appraisal and identify a possible location for a new nursery in the Dufftown area. The Cabin have set up a registered charity, with a management committee which includes parents, called 'The Kid's Cabin Dufftown' to progress this work.

- 4.16 In addition to identify a possible location, The Cabin Management Committee are also presently developing a Business Case for a new build nursery. The Business Case would include identifying the cost of the new build and the possible sources of capital funding.
- 4.17 It is the aspiration that the new nursery will be open for 50 weeks of the year, include 3 play rooms and would offer a community meeting space. In total, the new nursery would increase childcare provision from the current 24 to 40 places (subject to confirmation).
- 4.18 All of the above developments would provide additional spaces to the Aberlour and Mortlach Nursery refurbishments.

#### **Buckie ASG**

- 4.19 As previously noted in para 3.5 of this report, the number of spaces at Lady Cathcart Nursery were doubled when the building was refurbished.
- 4.20 However, due to COVID restrictions the number of places at Lady Cathcart has had to be reduced from 50 to 42 which has resulted in this setting being full to capacity.
- 4.21 Similarly, Millbank, St Peter's and Portgordon nurseries are operating at full capacity. This has meant that many parents were unable to secure their first choice of setting for the January and April intakes and some parents had to register their child at Cullen nursery.
- 4.22 Members will be aware, that while the Council will always in endeavour to support parents to secure their first choice; this isn't always possible. Consequently, the registration form asks parents to provide their second and third choices.
- 4.23 While the eventual lifting of COVID restrictions will increase the capacity of Lady Cathcart and the other settings noted above, Officers nevertheless anticipate continuing pressure for places which will be further exasperated by new housing developments in the Buckie town area.
- 4.24 As an immediate step to relieve this pressure, a minor works programme is being progressed at the following Buckie settings.
- 4.25 In relation to Lady Cathcart Nursery, it is proposed that alterations to one of the kitchen areas could create more space and therefore allow a small increase of children.
- 4.26 At Portgordon Nursery, it is proposed that space could be better utilised if the nursery was located elsewhere within the school. In principle, the Head Teacher is agreeable to this proposal and discussion are ongoing.

- 4.27 Officers are progressing these plans as quickly as possible with the aim that the minor refurbishment works can be completed this year leading to more capacity at these settings.
- 4.28 In the medium term, further childcare capacity can be secured in the Buckie area by locating the temporary mobile unit which will initially be located in Aberlour, and used by Aberlour Nursery, while the refurbishment work at Aberlour Primary School is being undertaken.
- 4.29 Once the refurbishment is complete, it is proposed that this temporary unit can be located in Buckie. A possible site has been located for this unit and discussions are ongoing.
- 4.30 While the timescale for re-location of this unit is still to be confirmed, it is considered that January 2022 would be a realistic timescale.
- 4.31 As noted below under d) Risk Implications, increasing the capacity of ELC provision will also require an increase in ELC staffing for this unit and other possible developments referred to in this report. The risk section notes that this cost would be met from the Scottish Government ELC grant revenue award.
- 4.32 In the long-term, ELC Officers considered that in light of the new housing developments in the Buckie ASG area there will be an eventual need for an additional childcare setting.
- 4.33 The progression of any plans will require to be in-line with the Council's Learning Estates Strategy which also identifies a growth for school places in Buckie from now until 2035. As noted in the Strategy, the option appraisal will include new builds and the potential for merging and campus models. ELC provision will need to be considered as part of this options agreed. The options appraisal will also need to consider if the nursery would be operated directly by the Council or if a private and third sector provider would be commissioned to run the nursery on the Council's behalf.

#### **Elgin ASG**

- 4.34 Also between now and 2035, The Learning Estates Strategy identifies pressure on the school estate in the North of Elgin. In particular, the Findrassie Housing Development. Demand for primary and secondary school places will also be reflected in the need to increase ELC provision in this area.
- 4.35 Further demand for childcare places is expected with the announcement in December 2020 of the deployment of 300 additional RAF personnel to RAF Lossiemouth. Many of the families of these personnel will locate to this area of Elgin.
- 4.36 It is the expectation, that this demand will be addressed through the development of the new Findrassie School campus which will also incorporate a nursery.

- 4.37 With both Bishopmill Pre-School Centre and VIP Childcare considering their options for a move to new premises, an important consideration is that future ELC provision, as part of this development, will not only need to improve the quality of the physical environment but also increase the number of ELC places.
- 4.38 Finally it should be highlighted that with support from the Childminder Development Officer, 38 childminders also entered into contract with the Council in 2020/21. Previously, 5 childminders had been funded by the Council to provide early learning and childcare.
- 4.39 The increase in the number of childminders entering into contract with the Council is a positive development and will also help to meet demand for quality childcare across all areas of Moray.

## **5 SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Early Learning Childcare Delivery Plan is aligned to the priorities within the Corporate Plan and LOIP. In particular Our People: Provide opportunities where young people can achieve their potential to be the best they can be.

Funding for ELC links to the priority of working towards a financially stable council that provides valued services to our Communities as referred to in the Moray Council Corporate Plan 2023.

### **(b) Policy and Legal**

This report should be read in the context of the Scottish Government national framework “A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland”.

There are no legal implications arising directly from this report.

### **(c) Financial implications**

For 2020/21, the Scottish Government grant revenue funding to be paid to Moray Council for ELC provision is £10,792,000.

The Scottish Government capital allocation for Moray from 2017 to 2021 is £7,740,000.

There are no financial implications arising directly from this report and future capital funding commitment will be subject to a future report to this committee.

### **(d) Risk Implications**

Emerging risks and issues are monitored by the Moray ELC Project Board.

There are no risk implications arising directly from this report.

The further expansion of early learning and childcare in Moray will impact not only on the elc capital budget but will also increase the number of childcare practitioners and will therefore have an impact on the revenue budget. There is therefore a risk if future plans are affordable.

**(e) Staffing Implications**

There are no staffing implications arising directly from this report.

**(f) Property**

There are no property implications arising directly from this report. Specific property issues will be addressed in future reports to this Committee.

**(g) Equalities/Socio Economic Impact**

An Equality Impact Assessment is not required as this report is for Committee to note progress in meeting demand for early learning and childcare.

**(h) Consultations**

Depute Chief Executive, Education, Communities and Organisational Development, Members of the ELC Programme Board including ELC Service Manager, Senior Officers in Education, Communities and Organisational Development, Estates Manager, Head of Governance, Strategy and Performance, Head of Financial Services, Tracey Sutherland, Committee Services Officer, Principal Accountant – Education and Social Care and Equal Opportunities Officer, ELC Continuous Improvement Officer, ELC Early Years Officer

**6. CONCLUSION**

**6.1 While members will be aware of the good progress in preparing for delivery of 1140 hours of early learning and childcare by August 2021, the purpose of this report is to make committee aware of the pressure for places experienced in 3 ASG areas in Moray.**

**6.2 It is the intention that further reports will be brought to this committee which will provide further detail on how this demand for places will be met.**

Authors of Report: Robin Paterson (Senior Project Manager: Early Learning and Childcare Expansion)

Background Papers: Available from the above Officers on request.  
Ref: SPMAN-1315769894-34





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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE ON 31 MARCH 2021**

**SUBJECT: SOCIAL RECOVERY THROUGH LOCALITY PLANNING**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 This report asks Committee to consider how locality planning can contribute to social recovery in Moray, taking account of the strategic aims set out in the Moray Council Corporate Plan and the Strategic Framework for Recovery and Renewal in Moray, the learning from the pilot Community Planning Partnership (CPP) Locality Plans, and the strengthening of Community Anchor Organisations as a result of the COVID-19 pandemic.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People Services, Governance, Strategy and Performance, (para 9 of the minute refers).

**2. RECOMMENDATION**

**It is recommended that the Committee;**

- (i) notes the emerging data on the impact of Covid-19 nationally and on the people of Moray, and the updated outcome statistics for communities in Moray;**
- (ii) agrees to identify Forres, Lossiemouth and Keith as the communities for priority action in the next phase of locality planning work led by the local authority, while continuing to support existing partnership locality plan work in Elgin and Buckie;**
- (iii) agrees that engagement work is developed using the approach set out in Appendix 1, working in partnership with community Anchor Organisations to enhance and accelerate the work where possible leading to production of community/Locality plans for our communities; and**

- (iv) **notes that the approach to locality planning set out in this report will support the development of a corporate action plan for social recovery and renewal by facilitating the identification of cross-cutting themes from communities across Moray.**

### **3. BACKGROUND**

- 3.1 The Local Government (Scotland) Act 2003 places duties on local authorities to initiate, facilitate and maintain community planning including consulting and co-operating with communities.
- 3.2 The Public Sector Equality Duty (Equality Act 2010) requires that public bodies across the UK consider all individuals when carrying out their day-to-day work in shaping policy and delivering services. It also requires that public bodies have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 3.3 The Community Empowerment (Scotland) Act 2015 outlined the Scottish Government's commitment to supporting communities to do things for themselves and to make their voices heard in the planning and delivery of services. This legislation included a section on Community Planning and the requirement for CPPs to produce Local Outcome Improvement Plans (LOIPs) which cover the whole local authority area, and Locality Plans which cover communities within the CPP area, focusing on areas that will benefit most from targeted support.
- 3.4 The Child Poverty (Scotland) Act 2017 set four statutory income targets for 2030 and placed a duty on local authorities and health boards to produce annual reports on the actions they are taking to reduce child poverty.
- 3.5 The Fairer Scotland Duty, introduced in April 2018, places a duty on certain public bodies in Scotland to consider how to reduce inequalities of outcome caused by socioeconomic disadvantage. In practice this means ensuring that any decisions taken are informed by consideration of socio-economic disadvantage in the local area and the inequalities of outcome experienced by those living in socio-economic disadvantage.
- 3.6 The Moray Council Corporate Plan 2019-24 focusses on 'Our People' (Provide opportunities for people to be the best they can be throughout their lives with a strong, sustained focus on those individuals and groups in our society who experience the most disadvantage and discrimination) and 'Our Place' (Empower and support communities to build capacity). Our corporate Community Engagement Proposal included community action planning as a key step in developing engagement with the public on the future of council services and enhancing community influence.
- 3.7 The Coronavirus pandemic brought inequality across Scotland into sharp relief and reinforced the importance of the above duties and plans in establishing a framework for our Social Recovery and Renewal, with a focus



on tackling poverty and mitigating socio-economic disadvantage across the communities of Moray.

- 3.8 In addition to the above duties The Planning (Scotland) Act 2019 requires that before preparing a local development plan, a planning authority should publish an invitation to local communities to prepare a local place plan in order to be taken account of in the preparation of the local development plan. The Act also introduces a statutory requirement to promote and facilitate participation by children and young people. The proposals in this report will support the delivery of this statutory duty by building the strong community links to enable meaningful engagement with all members of our communities, including the seldom heard.

### **Community Planning (Locality Plans)**

- 3.9 At the Community Planning Board meeting of 26 September 2017 the Board noted seven areas in Moray experiencing inequality of outcomes for consideration for locality plans. These seven areas were based on intermediate data zones evidence showing areas of greatest inequality in Moray. Based on the data New Elgin East and Buckie Central East were chosen as the areas for two Locality Plan pilots.
- 3.10 The locality pilots have been led and developed by the Council's Community Support Unit (CSU) but resources were identified from across the Community Planning Partnership to support the work. A 10-stage locality plan process was developed and delivery started mid 2018 with a series of engagements in the two areas. The two Locality Plans have now been published and subgroups created to lead on the different priorities identified through the engagement work.
- 3.11 In June 2019 a further paper to the CPP Board highlighted the latest combined Community Planning Partnership data to show where the greatest inequality of outcomes was being experienced. It was recognised that the two next most vulnerable communities in terms of data were Elgin Cathedral to Ashgrove and Pinefield and Elgin Bishopmill East and Ladyhill, however it was also highlighted that locality plan work to tackle inequality of outcomes should be targeted across Moray in a range of communities and addressing a range of outcome inequalities.
- 3.12 Using the most up to date data available at the time, it was recommended that the Board support development of two further locality plans to cover Forres South West & Mannachie and Keith and Fife Keith. The report recommended the use of the agreed 10-step locality planning process, but recognised that there would be resource implications across the partnership in developing work in two further areas, while also continuing to support the monitoring and evaluation of the two pilot locality plans. However, it was also noted that the established locality planning process was consistent with community work that seeks to build community capacity and self-sufficiency, and that we could therefore expect to see a reduction in reliance on partnership resources in Buckie and New Elgin as the plans developed.
- 3.13 At their meeting in June 2019 the Community Planning Board decided not to proceed with the proposed additional locality plans in Forres and Keith until

the existing plans in New Elgin and Buckie had been monitored for a longer period of time. There were also concerns raised about the capacity of partnership staff to work in a further two localities.

- 3.14 Locality planning work continued in New Elgin East and Buckie Central East until March 2020 when the COVID-19 pandemic struck. Because of the lockdown restrictions face-to-face events, activities and meetings were cancelled and key community planning partners responsible for actions within the plans were redeployed to other duties. However, the locality work completed in the two areas ensured that the local communities were well placed to respond quickly and effectively to the developing needs of their communities as a result of Covid. The CSU has continued to support the locality planning groups over the past year and will continue to provide support through the recovery phase.

### **Corporate Plan (2019-2024)**

- 3.15 The Council's Corporate Plan 2019 to 2024 recognises our statutory responsibilities and duties to work together with our communities to reduce inequalities of outcome. The Corporate Plan commits us to prioritising our work to ensure we improve things for those who experience poorer outcomes, and to collaborating, engaging and involving others, including our local communities, so that council services can be shaped to better meet their needs. The Corporate Plan also recognises the need to build on the learning from the Locality Planning pilots, and to further develop work with targeted communities across Moray so that we can better understand how our limited resources should be focussed to achieve the greatest impact for those individuals and groups who experience the most disadvantage and discrimination.
- 3.16 The Corporate Plan Delivery Framework originally set targets for engagement with the public on the future of Council services (April 2020) and the development of community action plans for two communities (April 2021) to enable the council to develop a shared understanding between the council and the communities it serves so that we can design a better future together. These original corporate plan targets have not been met due to Covid-19 and the refocussing of council efforts onto pandemic response and recovery.

### **Social Recovery and Renewal**

- 3.17 The Council's Strategic Framework for Recovery and Renewal recognises that the context in which the Corporate Plan and other strategic plans were developed has shifted considerably because of the Covid-19 pandemic and that strategies and approaches need to be reviewed and reimagined in light of the impact of, and learning from, the pandemic.
- 3.18 The Strategic Framework sets out a transitional vision for recovery and renewal focussing on a 'strong, agile and inclusive recovery' and with the common aims across all services as follows:
- **Understand** the impact of Covid-19 in Moray;
  - **Support** the ongoing impact of living with Covid-19 as far as possible;
  - **Learn** from the positive changes so that they are captured and built upon for the future;

- **Reengineer** the strategic policies and actions needed to ensure we will deliver our outcomes in the new environment.

The intention is to work with our communities so that Moray emerges from the current crisis in a better position to deliver our corporate priorities as set out in our corporate plan.

- 3.19 Our Strategic Framework recognises that community groups across Moray played a pivotal role in the response to the pandemic, rapidly assessing their local community needs, and developing supports to meet those needs. It also recognises that the community response work, including the strengthening of Community Anchor Organisations (Community Councils, Community Associations, Development Trusts), needs to be supported and built upon to further develop community capacity and resilience, and to support greater partnership working between the council and the communities of Moray.
- 3.20 The Strategic Framework also recognises that the Covid-19 pandemic has created new vulnerabilities across our communities. The impacts of the crisis are not felt equally and some areas of Moray, and some groups of people, are facing a higher risk of poverty, inequality and other social harms as a result of the pandemic. We therefore need to target our future community-based work where we are seeing the greatest inequalities of outcomes caused by the pandemic.
- 3.21 A refocussed approach to community engagement and collaboration based on the learning from the pandemic response, and a renewed understanding of the inequalities in our communities, is further supported by the recommendations from the national Social Renewal and Advisory Board. The Board published their final report on 21 January 2021 and recommended three key principles for recovery including '**Communities and Collective Endeavour**' – 'We believe that we need to work together to deliver a fairer society and we need to give more power to people and communities and empower frontline teams'. The recommended actions under this principle are as follows:
- Further shift the balance of power so individuals and communities have more control over decisions that affect their lives.
  - Improve service delivery and design by empowering frontline teams and the people and communities they serve.
  - Build on new ways of working, based on what has worked well during the pandemic, and develop new arrangements for local governance
  - Focus all and everyone's activities on building more resilient, fairer, healthier and stronger communities and places.
  - Co-design how we assess progress towards renewal, incorporating deeper engagement with those people and communities who have first-hand experience of poverty, inequality and restricted life chances.

COSLA is currently considering the Local Government Response to these recommendations.

- 3.22 The approach to locality planning set out in this report will support the council's and partner's strategic response to Social Recovery and Renewal by

supporting communities to articulate their needs in relation to recovery, with cross-cutting themes feeding into our single and multi-agency action plans for social recovery and renewal, alongside national developments and priorities.

### **Impact of Covid**

3.23 In December 2020 the Scottish Government and COSLA published a joint report '[Scotland's Wellbeing: the impact of Covid-19](#)' setting out a wide-ranging analysis of the impact of Covid-19 on Scotland's health, economy and society. The main findings include:

- The pandemic is impacting disproportionately on people in poverty, low-paid workers, children and young people, older people, minority ethnic groups and women;
- Lower earners have seen steeper falls in income as a result of the pandemic and a range of evidence suggests income inequalities are widening;
- Isolation and loneliness have increased but there is also evidence of positive impacts on community cohesion and empowerment. It is these positive impacts that we are looking to harness and build on.

3.24 Our understanding of the social and economic impact of Covid-19 in Moray communities is still developing, however we are gathering data from a number of sources, including a survey conducted by TSI Moray and our Renewal and Recovery engagement work (including the Moray Council Corporate Recovery Plan Consultation). The key themes regarding the impact of Covid-19 in Moray reflect the national findings and include the following:

- The pandemic has impacted most on those who were 'just managing' prior to Covid-19;
- There are concerns about the impact of isolation;
- Relationships of trust have been built in our communities and these need be supported and developed

3.25 Our Recovery Planning consultation sessions also highlighted that communities with well-established Community Anchor Organisations were able to respond more quickly to the crisis, highlighting that community resilience is dependent on strong community networks.

### **Communities for Priority Action and Support**

3.26 While our understanding of Covid specific impacts is still developing, recent analysis of updated Scottish Index of Multiple Deprivation (SIMD) data and Community Planning outcomes data has helped us to understand where the greatest inequality of outcomes was being experienced immediately prior to the pandemic, and therefore where the effects of the crisis are likely to be felt the most.

3.27 The latest update of the SIMD data was published on 28 January 2020 and highlighted that the overall picture of deprivation in Moray has deteriorated (although Moray remains the second least deprived mainland authority in Scotland). In 2016 Moray had one datazone (New Elgin East) in the 20% most deprived. In 2020 Moray has three datazones in the 20% most deprived (New Elgin East, Elgin Cathedral to Ashgrove and Pinefield and Forres Central

East). Further analysis of the SIMD data has indicated that the changes are not sufficiently significant to raise concerns and the most recent data continues to support previous analysis regarding areas where support should be prioritised.

- 3.28 The Improvement Service Community Planning Outcomes Profile (CPOP) data tool was updated for Moray in August 2020. The data provides evidence for maintaining the Locality Plan focus on New Elgin East and Buckie Central East where our most vulnerable communities are located, but highlights that further support should be targeted towards Keith, parts of Forres and other areas within Elgin.
- 3.29 The data also highlights that the most vulnerable community in Moray is now Elgin Cathedral to Ashgrove and Pinefield, with residents in this area now experiencing the highest rates of child poverty, the highest early mortality rate and the highest rate of 16-64 year olds claiming out of work benefits. Expanding work to address this is proposed below.

### **Building on Experience of Locality Work – Proposed Way Forward**

- 3.30 Reflecting on our pre Covid-19 Corporate Plan strategic commitments, our agreed approach to Social Recovery and Renewal in Moray, our learning from working in communities during the pandemic, and our understanding of the local data, it is proposed that we use our Community Support Officer resources to develop and implement a revised approach to locality planning work to support Social Recovery.
- 3.31 Community Support Officers were active in our communities during the emergency response and have built strong links with Community Anchor Organisations in two of our priority communities (Forres and Keith), and in Lossiemouth over this period. While Lossiemouth does not appear as a priority area in terms of the SIMD and CPOP data, the Covid response work identified vulnerable communities within the town requiring ongoing support. In Lossiemouth and Forres the Community Development Trusts are particularly strong and active and are currently at an early stage of carrying out community consultation work to identify economic, social and environmental priorities for the future that will lead to the development of community plans.
- 3.32 There is an opportunity to adapt the agreed 10-stage process for locality planning to support the two Development Trusts to develop their plans and further enhance community and council partnership working that will support the priorities set out in our Corporate Plan and Strategic Framework for Recovery and Renewal. The proposed approach builds on the process used to develop the pilot locality plans in New Elgin East and Buckie Central East but with the advantage of having an existing Community Anchor Organisation already in place with strong links to the community to lead the process (leading to a reduction in the number of steps required from 10 to 8).  
**(Appendix 1).**
- 3.33 Community Support Officers would focus initially on supporting well-established Community Anchor Organisations in Forres and Lossiemouth, but would then look to take their learning to support a Community Anchor

Organisation in Keith to develop a locality plan for our third priority area (from Autumn 2021 onwards). Support will also continue in the two pilot locality planning areas, with consideration given to supporting the established groups to extend their reach beyond the initial intermediate datazones, so that the plans encompass a wider area in Buckie, and the Elgin Cathedral to Ashgrove and Pinefield datazone in Elgin.

- 3.34 This approach takes on board the learning themes from the interim report produced by SCDC (Scottish Community Development Centre) in May 2019 on the development of the locality plans in New Elgin and Buckie. The learning themes from the report highlighted the need for local ownership of locality plans and relationship building at a local level being key to delivering robust engagement processes.
- 3.35 This approach is further recommended as it allows us to maximise the use of our council resources and accelerate our approach to locality planning across Moray. It will also be more empowering for communities and allow Community Planning Partners to target their resources more efficiently and effectively. While this activity will be resourced predominantly by the CSU, for greatest impact, and to ensure the locality work can support a number of council priorities, there will be input required from across a range of council services. Partner support would also be beneficial to the communities and the partner organisations in terms of planning for recovery and the proposed approach would help to mitigate some of the Community Planning Board concerns around staff capacity to support additional locality plans.

#### **Resources and Investment**

- 3.36 Recommendations in this report are based on prioritising existing resources and budgets. Community development to address inequalities and the impacts of poverty, exacerbated by the Covid pandemic, has been proposed as an investment opportunity for budget setting in March. A decision to allocate additional investment to this area of work would enhance the approaches set out in this paper.

## **4 SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

This report supports the LOIP outcomes:

- A thriving and well connected place, where people live well in their communities.
- Confident, skilled and self-reliant communities where expectations and aspirations are raised, and achieved.

And the Aims of the Corporate Plan to:

- Provide Opportunities for people to be the best they can be throughout their lives with a strong and sustained focus on those individuals and groups in our society who experience the most disadvantage and discrimination;
- Empower and support communities to build capacity.

**(b) Policy and Legal**

There are no policy or legal implications arising from this report.

**(c) Financial implications**

There are no financial implications arising from this report. The proposed approach will be achieved using existing resources, and will ensure resources are maximised to achieve the greatest impact.

**(d) Risk Implications**

Council support for the development of locality plans is likely to lead to a longer-term support requirement for the identified actions to deliver the community priority outcomes. There is a risk that we will be unable to resource this longer-term support, however this would be mitigated through the inclusive, partnership based approach that we intend to adopt throughout this process, and which would also extend to delivery of the plans.

**(e) Staffing Implications**

The work will be led by the CSU, but there will be input and integrated working across a number of services, for example Planning and Economic Development when considering Local Place plans and Economic Recovery plans. We would also expect to be working closely with Community Planning Partners in the identified communities.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

The approach as set out will help to ensure the Council is meeting its statutory obligations under The Equality Act 2010 and the The Fairer Scotland Duty by helping the authority to better understand and work to eliminate discrimination and inequalities of outcome experienced by those living in socio-economic disadvantage in our local communities. The work proposed would not disadvantage any individual with protected characteristics.

**(h) Consultations**

The Head of Economic Growth and Development, the Planning & Development Manager, the Head of Education, the Senior Solicitor (Litigation and Social Care), Tracey Sutherland (Committee Services Officer), Paul Connor, Principal Accountant and the Equal Opportunities Officer have been consulted and the comments received have been incorporated into the report.

**5. CONCLUSION**

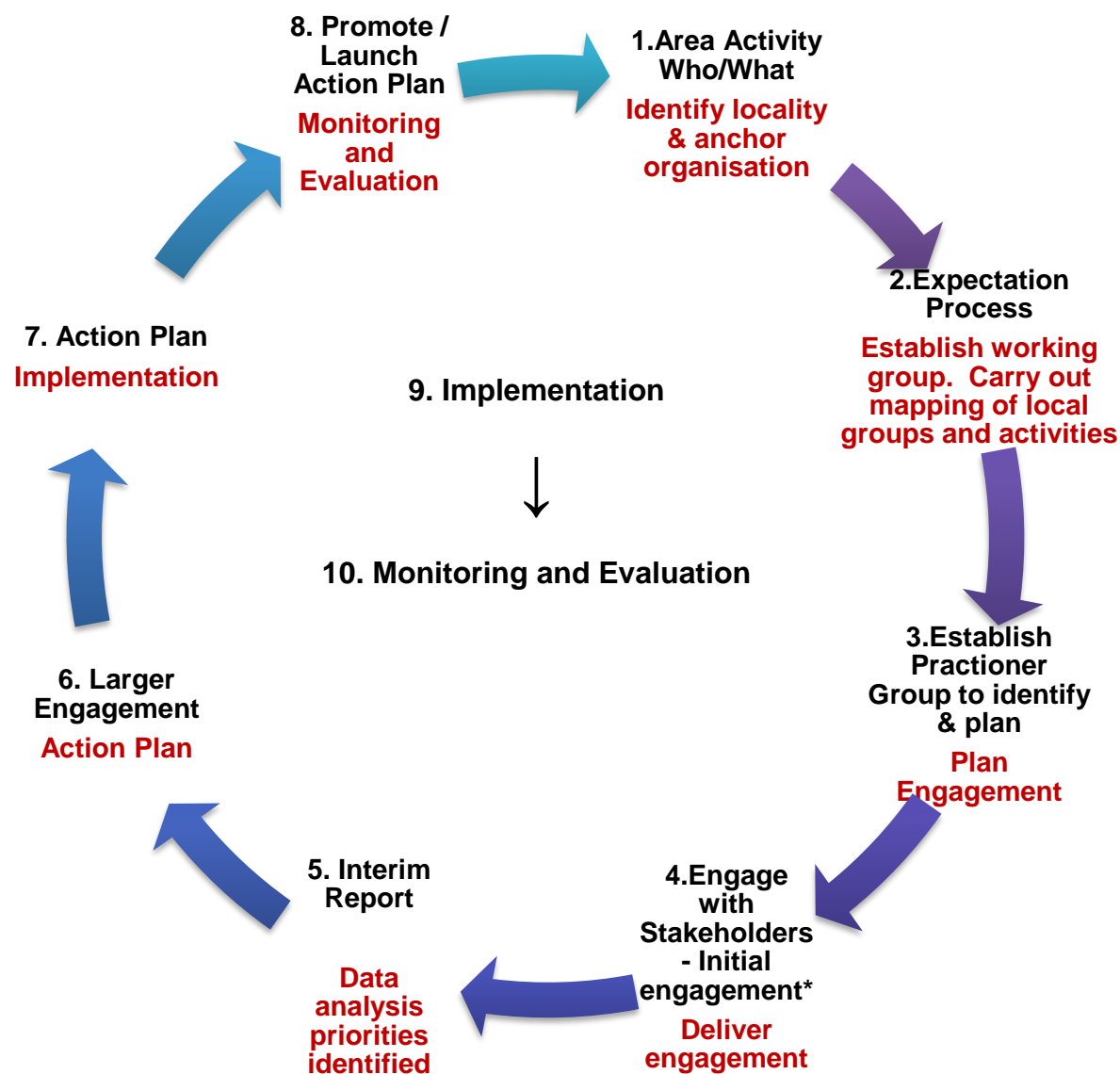
**5.1 There are no immediate plans by the CPP Board to progress CPP Locality plans in additional areas.**

**5.2 Post COVID-19 community engagement exercises are being planned in Forres and Lossiemouth Community Development Trusts.**

- 5.3 There is an opportunity to support the Community Anchor Organisations leading these engagements, maximising resources and avoiding duplication of effort, and developing a renewed approach to locality planning work in Moray, which can support the development of a corporate action plan for recovery and renewal in Moray.**

Author of Report: Dawn Brodie/Jo Shirriffs  
Background Papers: SIMD 2020 update/Community Planning Outcomes Profile Tool 2020 Update.  
Ref: Report SPMAN-1315769894-33  
Appendix 1 SPMAN-1315769894-25



**Proposed Revised Local Outcome Improvement Engagement Steps – CSU**

The stages used to develop the plans in New Elgin East and Buckie Central East are outlined in black in the diagram. The stages for developing a plan where there is an existing anchor organisation in place are outlined in red.

Steps	Activity (where no anchor organisation exists)	Timeline	Steps	Activity (where community anchor organisation established)	Timeline
<b>Step 1.</b> What's already happening in the area/who/what?	Map existing activities/events being delivered by agencies/ key community groups in the area/location. (This includes utilising existing mapping initiatives that have already taken place) Identify existing activities by partners and community groups which link in with local outcomes and which could be the starting point of the locality action plan engagement process	3 weeks	<b>Step 1</b>  Identify locality and community anchor organisation	Evidence of need established (SIMD etc)  Identify Anchor Organisation(s) in area/location, get agreement from them to be supported by CSU to carry out community engagement and locality planning work. Including addressing areas of identified need.  Agree roles, responsibilities and timescales (SLA/Support agreement)	1 month
<b>Step 2.</b> Establish Practitioner Group	Establish a local practitioner team (locals agency staff), who will develop 'short term' plan/strategy to identify and engage key local community stakeholders in the process. (Could be existing local staffing groups i.e. LMGs). Identify any training and support needs and implement	3 weeks	<b>Step 2</b>  Establish working group  Carry out mapping	Working closely with the anchor organisation, support them to map key stakeholders and existing activities/services/events being delivered in the area by community organisations. (This may involve review of the Anchor organisation's own operational plan.)  Establish working group to carry out the engagement. (could be a sub group of the Anchor organisation with representation from additional key stakeholders).	2 months

				<p>Address any training and support needs within the group.</p> <p>Identify and target known local residents / service users who may (with additional support) be able to articulate and identify issues affecting those within the community. Identify training needs for local stakeholders and implement. Identify and consider long term capacity building support / opportunities for local activists, groups and individuals</p>	
<b>Step 3.</b> Awareness Raising Raise awareness of Locality Plan process and intended outcomes	Promote Locality Plan proposals, clarifying expectation of CPP to key targeted/ agencies/ community stakeholders. Identify and target known local residents / service users who may (with additional support) be able to articulate and identify issues affecting those within the community. Identify training needs for local stakeholders and implement Identify and	6 weeks	<b>Step 3</b>  Plan engagement	<p>Working group to plan engagement process – timescales, methodology, promotion, resources required.</p> <p>This could include Place Standard, Ketso, Planning for Real®, online questionnaires, one to one conversations – taking into account the particular needs of the hard to reach and most marginalised members of the community.</p>	2 months

	consider long term capacity building support / opportunities for local activists, groups and individuals. Utilise existing engagement methodology, tools, relationships, partnerships to gain better understanding of local needs.				
<b>Step 4</b> Engage with targeted local stakeholders identified by agencies/ others.	Invite/ encourage targeted community stakeholders to come together to explore initial input/first steps of what a Locality Plan might look like and contain. (Utilising engagement tool (s) such as Place Standard Tool / Ketso / etc.). Ensure community stakeholders are familiar with existing LOIP information and data relating to their geographic area - ensuring LOIP data is in an 'easy to read' format. Establish local stakeholder group from within the identified community. (Could include those not resident in the area i.e. local shopkeepers/ business	4 weeks	<b>Step 4</b>  Community Engagement	Working group to deliver engagement as planned  Resources required may include support to carry out online engagement, ICT, Graphics, printing, Social Media, meeting places, admin support	6 weeks

	owners) Ascertain level of support required and respond to capacity of local activists to engage meaningfully. i.e. training Agree terms of reference with Local Stakeholder Group members. Local Stakeholder Group to plan and deliver wider engagement exercise /events using data /existing community feedback already identified by agency/local residents.				
<b>Step 5.</b> Interim report	Strategic Lead to produce interim VOICE report on progress and submit to CPB / CPOG/ CEG / CLD Forum / Locality Management Group (LMG)/ CLD / others.	2 weeks	<b>Step 5</b>  Analysis of results & prioritisation	Data analysed and reviewed by Working Group.  Key priorities and actions identified and agreed with relevant stakeholders.  Priority leads identified, subgroups formed where required and reporting methods and timescales agreed	1 month
<b>Step 6.</b> Wider Engagement Local Stakeholder Group:	Local Stakeholder Group, with support from Local Practitioner Team member(s) carries out wider community engagement to inform the	6 weeks	<b>Step 6</b>  Launch of Plan	Launch and promotion of Plan	2 weeks

Initiate wider community engagement and participation	Locality Plan. (Resources required include: agency staff, ICT Graphics, Social Media, meeting places, admin support, modern equipment e.g. iPads/ projectors)				
<b>Step 7.</b> Local Stakeholder Group produces draft Locality Plan.	Collate statistical data and feedback from wider engagement initiative. Develop specific priority actions collectively with Local Stakeholder Group and Joint Engagement Working Group (local managers) to address / respond to agreed LOIP outcomes. 4 Weeks ITEM: 10 PAGE: 8 Identify who's doing what (community, agency, etc.) that includes priorities, time-line and outcomes. Produce DRAFT Locality Plan that includes realistic timelines and outcomes.	2 weeks	Step 7 Implementation	Implementation of actions to deliver outcomes	Continuing process
<b>Step 8.</b> Promote and launch locality plan	Promote / launch Locality Plan at big community event within community	2 weeks	Step 8 Monitoring and review of support	Monitoring of plan and review of SLA/Support agreement	Continuing process

<b>Step 9.</b> Implement ation	Implementation by appropriate partners, implement activity to deliver desired outcomes.	Continuing process			
<b>Step 10</b> Monitoring/ evaluation and reporting	Effective monitoring process agreed by stakeholders to include evaluation/ evidence of impact/ accountability / regular feedback to all. Stakeholders.	Continuing process			








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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE 31 MARCH 2021**

**SUBJECT: SPSO REPORT ON CONTINUING CARE AND TRANSITIONS**

**BY: CHIEF OFFICER HEALTH AND SOCIAL CARE**

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee that as an outcome of a parental complaint made to the Scottish Public Services Ombudsman (SPSO), which was upheld, the actions required of the authority, have concluded.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People Services, Governance, Strategy and Performance, (para 9 of the minute refers).

## **2. RECOMMENDATION**

**2.1 It is recommended that the Committee considers and notes that:-**

- (i) the revised policies for transitions and for continuing care were approved at Education, Communities and Organisational Development Committee on 3 February 2021 (para 19 and 20 of the draft minute refers);
- (ii) throughout March 2021 there have been briefing sessions for staff; and
- (iii) the SPSO have acknowledged completion of all actions.

## **3. BACKGROUND**

- 3.1 The SPSO are a Government agency that investigate complaints when a complainant remains dissatisfied with a Council's response. Report 201811019 – Social Work/ Continuing Care relates to a complaint made by a parent on behalf of her child. The investigation report can be accessed at the following <https://www.spsos.org.uk/investigation-reports/2020/april/the-moray-council>

- 3.2 In response to the complaint that the Council had not fulfilled its responsibility to provide continuing care to a looked after young person, the SPSO upheld the complaint and made a number of requirements.
- 3.3 Previous reporting has been made to Moray Council on 7 October 2020 (para 5 of the minute refers) and to this Committee on 18 November 2020 (para 24 of the minute refers).
- 3.4 The action plan that was agreed as a result of the outcome of investigation is attached at **APPENDIX I**. The plan has been Red/ Amber/ Green (RAG) rated and shows that all actions have been fulfilled.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Children's Services plan 2020/23 identifies improving outcomes for looked after children as a key priority the Children and Families and Justice Social Work service improvement plan identifies actions to be taken to support these improvements the Corporate Plan ( 2020 update) identifies the following priorities:

Work with families as partners to give their children the kind of lives they want them to lead so that children grow up to be strong and resilient. Improve the life chances and outcomes for care experienced children and young people. Improvement in children and young people's health and well-being.

**(b) Policy and Legal**

The Children (Scotland) Act 1995 was amended by the Children and Young People Scotland Act 2014 to enable looked after children to request continuing care and remain in their current placement from 18 until 21 years in most cases and subject to certain criteria.

The provision aims to assist young people towards independence but applies to all young people, including those who may never achieve independent living.

The revised policies reflect current law and practice but it should be noted that there are likely to be further changes required as the law develops, including from the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill recently introduced in parliament.

**(c) Financial implications**

There are no additional financial implications arising from this report.

**(d) Risk Implications**

The risk has been that planning for the more vulnerable children in Moray has fallen below the standard that should be in place in terms of practice and legislation.

**(e) Staffing Implications**

There are no additional staffing implications arising from this report.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

There is key legislation for looked after children and young people and for children who have additional support needs. Revision of the policies in place will ensure that equality issues are addressed.

**(h) Consultations**

Chief Executive, Chief Social Work Officer; Head of Service, Children & Families & Criminal Justice Services; Senior Human Resources Adviser; Paul Connor, Principal Accountant, Morag Smith, Senior Solicitor, Tracey Sutherland, Committee Services Officer and the Equal Opportunities Officer have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

**5. CONCLUSION**

**5.1 Committee is asked to note that the outcome of complaint to the SPSO required a number of actions which are recorded on the action plan which has been RAG rated. The actions required have been achieved.**

Author of Report: J Gordon

Background Papers:

Ref: SPMAN-1315769894-31





## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

			<p><b>Red (trouble):</b> At risk to miss scheduled completion date. Immediate management action required.</p> <p><b>Amber (danger):</b> At risk if issues are not addressed. Attention required.</p> <p><b>Green (all good):</b> On track to meet scheduled dates</p>
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The following action plan outlines what will be done to ensure that each of the requirements made by the Scottish Public Services Ombudsman progress. The action plan is in relation to the complaint that was made about social work services in Moray with focus on policy relating to continuing care.

Point number	What the organisation should do	What we need to see	What we will do	By when	By whom	RAG Status
1	<p>Apologise to Ms C and Mr A for:</p> <ul style="list-style-type: none"> <li>Failing to begin transition planning for Mr A at least 3 years before he was due to leave school.</li> </ul>	<p>Copy or record of the apology.</p> <p>By 20 May 2020</p>	Write a letter of apology as described to Mrs A.	Complete at 20 May 2020	Head of Service	Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

	<ul style="list-style-type: none"> <li>Failing to carry out a pathway assessment prior to making the decision that Continuing Care was not available to Mr A and prior to transitioning Mr A to Adult services.</li> <li>Failing to communicate reasonably with Ms C about her son's care and support.</li> <li>Failing to handle her complaint reasonably.</li> </ul>					
2	Consider whether it would be appropriate to fund Mr A to remain in the residential placement until he is 21 years of age or whether this could be achieved through Self-Directed Support.	Evidence that the Council have considered funding Mr A's residential placement until he is 21 years of age or whether this could be achieved through Self-	Update 04.06.2020 – following a meeting with Mr and Ms C, the family note that they have not been involved in any discussion or decision for a to return to Moray. Also the date on the support plan for A to remain in	Complete at 4 June 2020	Interim Service Manager Learning Disability	Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

		Directed Support taking into account the findings of this investigation, with full reasons provided for any decisions reached.  By 20 May 2020	provision was ambiguous. An amendment to the support plan has been written with a clear date of June 2022			
3	Where a young person has significant additional support needs, transition planning should begin at least 3 years before a young person is due to leave school.	Evidence that the findings on these complaints have been fed back to relevant staff in a supportive way (e.g. a record of a meeting with staff; or feedback given at on-to-one sessions).  By 22 October 2020	Meet with relevant staff to support them to read contents of investigation and support staff to understand it in the context of a learning development opportunity.	Complete at 20 May 2020	Corporate Parenting and Commissioning Manager and Interim Service Manager Learning Disability.	Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

		Evidence that the Council have considered any training needs for social work staff in relation to transition planning. By 22 October 2020	Provide training following review of transitions and continuing care policies.	SPSO and Committee agreed revision dates.  The Committee which considered and approved the revisions to policy was 3 <sup>rd</sup> February 2021. Training has been held during March 2021.	Corporate Parenting and Commissioning Manager; Interim Service Manager Learning Disability will lead the team. The team was significantly supported in the revision of the transitions policy by Friendly Access.	Green
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## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

4	Where a young person is approaching adulthood, a pathways assessment should also be carried out to assess throughcare and aftercare options (including an assessment of whether it is in the young person's best interests to remain in their current placement under Continuing Care rather than transitioning to Adult services) with the input of the young person, their parents/ guardians, Adult services and any other interested agencies.	Evidence that the findings on these complaints have been fed back to relevant staff in a supportive way (e.g. a record of a meeting with staff; or feedback given at on-to-one sessions). By 22 October 2020	Meet with relevant staff to support them to read contents of investigation and support staff to understand it in the context of a learning and development opportunity.	Complete at 20 May 2020	Group indicated at 3 above for each of the following activities.	Green
		Evidence that the Council have considered any training needs for social work staff in relation to	Provide training following: <ul style="list-style-type: none"> <li>review of current policies in relation to transitions, pathways, continuing care and</li> </ul>	SPSO and Committee agreed revision dates.  The Committee which considered and approved the revisions		Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

		pathways assessments, Continuing Care and Ordinary Residence.  By 22 October 2020	ordinary residence policies • Committee approval of recommendations arising from review.	to policy was 3 <sup>rd</sup> February 2021. Training has been held during March 2021.		
		Evidence that the Council have reviewed their Continuing Care Procedure taking into account Mr A's case and the legislative framework.  By 22 October 2020	Review current policy and guidance in relation to transitions planning, pathways assessments and planning, continuing care and ordinary residence for young people with additional support needs.	SPSO and Committee agreed revision dates.  The Committee which considered and approved the revisions to policy was 3 <sup>rd</sup> February 2021. Training has been held during March 2021.		Green
5	Looked After Children with complex needs should be given examples of the type of care they might be offered	Evidence that the findings on these complaints have been fed back to	Meet with relevant staff to support them to read contents of investigation and support staff to	Complete at 20 May 2020	Team indicated at 3 above and additionally Service Manager	Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

	and be taken to see possible care settings.	relevant staff in a supportive way (e.g. a record of a meeting with staff; or feedback given at on-to-one sessions).	understand it in the context of a learning development opportunity.		Provider Services and Consultant Practitioner Challenging Behaviour.	
	Where a recommendation has been made to offer a Looked After Child independent advocacy, this should be acted on timeously.	Evidence that the Council have considered any training needs for social work staff in relation to making sure that Looked After Children with complex needs can make informed choices.  By 22 October 2020	By using the record of the above sessions actions required in terms of training/ resource for advocacy will be planned.	Complete at 20 May 2020		



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

6	The Council should engage in a meaningful way, including holding meetings with parents/ guardians, out with the formal Looked After Child Review process, when planning the future care for Looked After Children with complex needs.	Evidence that the findings on these complaints have been fed back to relevant staff in a supportive way (e.g. a record of a meeting with staff; or feedback given at on-to-one sessions).  By 22 October 2020	Meet with relevant staff to support them to read contents of investigation and support staff to understand it in the context of a learning opportunity.	Complete at – 20 May 2020	Corporate Parenting and Commissioning Manager	Green
7	Information on how to make a Continuing Care request should be provided to individuals when they request it.	Evidence that the findings on these complaints have been fed back to relevant staff in a supportive way (e.g. a record of a meeting with staff; or feedback given at on-to-one sessions).	Meet with relevant staff to support them to read contents of investigation and support staff to understand it in the context of a learning opportunity. Review current policy and guidance in relation to transitions planning,	Complete at - 20 May 2020	Corporate Parenting and Commissioning Manager	Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

		By 22 October 2020	pathways assessments and planning and continuing care for young people with additional support needs.			
8	<p>Invites to Looked After Child Reviews should be distributed in a timely way.</p> <p>Minutes of Looked After Child Review should be typed up and distributed in a timely way.</p>	<p>Evidence that the Council have a system in place to timeously to: -</p> <ul style="list-style-type: none"> <li>• Distribute invites to Looked After Child Reviews.</li> <li>• Type up and distribute minutes of Looked After Child Reviews.</li> </ul> <p>By 22 October 2020</p>	Review and agree standards for all key administrative processes related to the functioning of Looked After Child reviews.	<p>SPSO and Committee agreed revision dates.</p> <p>The Committee which considered and approved the revisions to policy was 3<sup>rd</sup> February 2021. Training has been held during March 2021.</p>	Service Manager	Green
9	The necessary systems should be in place to ensure that complaints are handled in line	Evidence that the findings on these complaints have	Meet with relevant staff to support them to read the contents of investigation	Complete at October 2019 May 2020	Corporate Parenting and	Green



## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

	with the Moray Council's complaint handling procedure and the model complaints handling procedure and that all staff responsible for dealing with complaints should be aware of their responsibilities in this respect.	<p>been fed back to relevant staff in a supportive way (e.g. a record of a meeting with staff; or feedback given at on-to-one sessions).</p> <p>Evidence that the Council's systems demonstrate senior level/ governance responsibility for complaint handling.</p> <p>By 22 October 2020</p>	<p>to ensure that complaints are handled in line with the Moray Council's handling procedure</p> <p>Specific sessions relating to the management and handling of complaints have been delivered and will be repeated at agreed intervals.</p> <p>All complaints; management of complaints and the learning arising from complaints are tabled at the Children and Families and Criminal Justice Social</p>	Quarterly – April 2020; July 2020; Oct 2020; Jan 2021	<p>Commissioning Manager</p> <p>Complaints Officer</p> <p>Chair of Practice Governance Group</p>	
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## APPENDIX I

### ACTION PLAN - SPSO 201811019 – Moray Council

#### Social Work/ Continuing Care

			<p>Work Practice Governance Group to: -</p> <ul style="list-style-type: none"><li>• Ensure consistency in approach to handling complaints and</li><li>• Disseminate learning.</li></ul>			
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Ref: SPMAN-1315769894-30







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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE ON 31 MARCH 2021**

**SUBJECT: MODEL COMPLAINTS HANDLING PROCEDURE REPORT**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES &  
ORGANISATIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 The Committee is asked to consider the Model Complaints Handling Procedure Report for implementation by 1 April 2021.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People's Services, Governance, Strategy and Performance (para 9 of the minute refers).

**2. RECOMMENDATION**

- 2.1 **The Committee is asked to approve the revised Model Complaints Handling Procedure (APPENDIX 1).**

**3. BACKGROUND**

- 3.1 The Scottish Public Services Ombudsman Act 2002 (as amended) provides the legislative basis for SPSO to publish the Model Complaints Handling Procedures (MCHP) for bodies under the SPSO's jurisdiction. The Local Authority MCHP was first developed by SPSO in partnership with a working group of local authority complaints experts.
- 3.2 It was produced taking account of the Crerar and Sinclair Reports and within the framework of the SPSO's Guidance on a Model Complaints Handling Procedure, published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through SPSO public consultation at the end of

2010. Following recommendations from the Scottish Government's social work complaints working group in 2013, a separate MCHP for social work was developed. The 'Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016' (the Order) brought social work complaint handling under the remit of the SPSO Act.

- 3.3 SPSO revised and reissued all the MCHPs (except the NHS) in 2020, following consultation with all sectors. The new version includes a core text (which is consistent across all public services in Scotland) with some additional guidance and examples specific to each sector. The separate MCHPs for local authorities and social work have also been merged into a single MCHP, taking into account stakeholder views expressed through SPSO public consultation in early 2019.
- 3.4 The purpose of the Local Authority MCHP is to provide a standardised approach to dealing with customer complaints across the local authority sector in Scotland. The procedural elements tie in very closely with those of the NHS complaints handling procedure (CHP), so where social work or care complaints cut across services, they can still be handled in (much) the same way as other complaints. In particular, the aim is to implement a standardised and consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages local authorities to make best use of lessons from complaints.
- 3.5 The revised MCHP is attached (**APPENDIX 1**) and comprise of the following documents:
- Implementation guide
  - Part 1 – Introduction and overview
  - Part 2 – When to use this procedure
  - Part 3 – The complaints handling process
  - Part 4 – Governance
  - Part 5 – Customer facing document
- 3.6 The key changes of the MCHP are summarised as:
- Structure and presentation – core text standardised across all sectors; presented in five parts to make relevant information easier to find; Social Work and Complaint MCHPs combined.
  - Resolving complaints – new complaint closure category of 'Resolution' that, if used does not require the Council to uphold or not uphold the complaint.
  - Agreeing Heads of complaint/Outcomes – mandatory for Investigation (Stage 2) complaints.
  - Time limit for making complaints – current six month time limit to make complaint remains however if the complaint was dealt with at front line (Stage 1) then a customer has up to two months to ask for their complaint to be escalated to investigation (Stage 2).

- Supporting staff – relevant parts of the complaint must be shared and response with staff members complained about; the Council must support staff and provide them with information about the progression of a complaint investigation
- Equality and accessibility – vulnerable groups must be considered and have appropriate access to the complaints handling process
- Social Media – as a minimum, customers must be signposted to the complaints handling process on social media pages
- MP/MSPs/Councillors Enquiries/Complaints – the Council can set its own procedures for ensuring they comply with the MCHP legislation
- Performance Indicators – currently being developed, requirement to report and publish on complaint statistics. The new resolution function that will be added to the complaints database will impact on performance reporting figures.

3.7 Following the introduction of the MCHP the following will be addressed:

- IT requirement to amend the complaint recording database to add a resolution function. Added to the test environment, the functionality and reporting meet requirements and will be replicated in the live environment.
- Staff training will be introduced to cover the changes to the MCHP
- Complaints leaflet and complaints website will be updated

3.8 The revised MCHP will replace our current model complaints handling procedures

#### 4. **SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan - Local Outcomes Improvement Plan (LOIP)**

Effective handling of complaints is used to ensure the efficient and sustainable delivery of services that align with the Council's values set out in the Corporate Plan. Learning gained through our complaint handling process allows us to improve service provision.

**(b) Policy and Legal**

The SPSO have made it a statutory requirement to have all local authorities adopt the revised model complaint handling procedure by 1 April 2021.

**(c) Financial implications**

It is not anticipated that there will be any financial implications.

**(d) Risk Implications**

Failure to meet the SPSO deadline may result in SPSO making a declaration of non-compliance against the Council. Non-compliance

with the statutory duty relating to national standards being adopted would present risk in terms of reputational damage and a loss of public confidence in our ability to deliver the best complaint handling service, and ultimately to maintaining and improving service standards.

**(e) Staffing Implications**

There are no staffing implications related to this report.

**(f) Property**

There are no property implications related to this report.

**(g) Equalities/Socio Economic Impact**

An EIA was carried out in 2012 when the model complaint handling procedures were first introduced to Moray Council. The EIA identified potential issues around accessibility of information for certain groups, e.g. young people, people with a disability and ethnic minorities. These issues are currently addressed by publication of the procedures in different formats and by offering translation upon request. One of the objectives proposed by SPSO is that, following implementation of the new MCHP, all Councils should seek ways of improving accessibility for vulnerable groups and Moray Council will undertake to do this.

**(h) Consultations**

The Corporate Management Team has been consulted on the contents of the revised model complaint handling procedure.

**5. CONCLUSION**

**5.1 Implementation of the revised model complaint handling procedure by 1 April 2021 complies with the SPSO statutory requirement.**

Author of Report:	John Black, Complaints Officer
Background Papers:	Held by Author
Ref:	Report – SPMAN-2045703626-46
	Implementation Guide - SPMAN-2045703626-47
	Appendix Part 1 - SPMAN-2045703626-48
	Appendix Part 2 - SPMAN-2045703626-49
	Appendix Part 3 - SPMAN-2045703626-50
	Appendix Part 4 - SPMAN-2045703626-51
	Appendix Part 5 - SPMAN-2045703626-52

# Moray Council Complaints Handling Procedure

## Implementation Guide

### Contents

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## Background

The Scottish Public Services Ombudsman Act 2002 (as amended) provides the legislative basis for SPSO to publish the Model Complaints Handling Procedures (MCHP) for bodies under the SPSO's jurisdiction. The Local Authority MCHP was first developed by SPSO in partnership with a working group of local authority complaints experts.

It was produced taking account of the Crerar and Sinclair Reports and within the framework of the SPSO's Guidance on a Model Complaints Handling Procedure, published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through our public consultation at the end of 2010. Following recommendations from the Scottish Government's social work complaints working group in 2013, a separate MCHP for social work was developed. The 'Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016' (the Order) brought social work complaint handling under the remit of the SPSO Act.

SPSO revised and reissued all the MCHPs (except the NHS) in 2020, following consultation with all sectors. The new version includes a core text (which is consistent across all public services in Scotland) with some additional guidance and examples specific to each sector. The separate MCHPs for local authorities and social work have also been merged into a single MCHP, taking into account stakeholder views expressed through our public consultation in early 2019.

The purpose of the Local Authority MCHP is to provide a standardised approach to dealing with customer complaints across the local authority sector in Scotland. The procedural elements tie in very closely with those of the NHS complaints handling procedure (CHP), so where social work or care complaints cut across services, they can still be handled in (much) the same way as other complaints. In particular, the aim is to implement a standardised and consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages local authorities to make best use of lessons from complaints.

## **About the MCHP**

The MCHP applies to all local authorities and all local authority services. It also applies to all services provided by a health and social care partnership (HSCP) on behalf of an LA.

The MCHP is intended to be adopted as an internal procedural document of the local authority.

A 'customer-facing' CHP is included as a separate but integral section of the CHP. This provides standardised information on the complaints procedure to customers of the organisation, ensuring that they receive the same information on complaints regardless of where they live or the organisation they deal with.

To be compliant with the MCHP, local authorities must adopt both the CHP and the customer-facing CHP.

## **Services delivered by HSCPs**

Where social work (or other) services are being delivered under integrated arrangements through a HSCP, the partnership will need to adapt and adopt this MCHP. This will sit alongside the NHS CHP. Complaints investigation staff will need to be familiar with both CHPs. However, the actual procedure is largely the same across both. The additional information and guidance in this MCHP should be helpful in handling issues specific to social work services, which are more likely to arise in relation to these complaints.

## **Local authorities providing further education services**

In some cases, local authorities provide further education services (such as delivering or assessing vocational qualifications). If complaints are received in relation to these services, organisations should also have regard to the further education MCHP, in particular the section on the **independent external review**.

## **Services contracted or commissioned by the local authority**

Organisations often contract or commission other service providers to deliver services on their behalf for example, arms length external organisations (ALEO)s or Trusts used to deliver council services).

While these organisations are separate, they are subject to oversight by the local authority, which is still responsible and accountable for ensuring the services provided meet the required standard. This includes the need to comply with the MCHP. It is for each organisation to ensure that contracted or commissioned services meet the requirements of the MCHP. They must have mechanisms in place to identify and act on any complaints handling performance issues with their providers.

## **Adopting the CHP**

The MCHP is provided as a template for local authorities to adopt. Adopting the MCHP in its entirety will ensure that the local authority meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the MCHP to reflect, for example, the local authority's organisational structure, operational processes and corporate style. The MCHP outlines areas where the local authority may adapt the CHP to provide additional guidance or reference to local processes.

Scope is also given to local authorities to amend the language of the MCHP to comply with corporate writing conventions or style guides. A local authority's corporate identity puts its stamp on the services it delivers and we understand the importance of presenting one single corporate brand for all products and services. For this reason there is flexibility for local authorities to adapt the MCHP to ensure that, together with any supporting documentation developed by the local authority (for example staff guidance and complaints forms), their CHP reflects the local authority's corporate identity and language.

However, it is of equal importance that the MCHP is not amended to the extent that its purpose or substance is changed in a way which does not reflect the MCHP or its key aims. In particular, the following are elements of the MCHP which should not be amended, given the importance of ensuring a standardised approach across all local authorities:

- the definition of a complaint (although further guidance or examples may be included as indicated in the CHP)
- the number of stages
- timescales at each stage
- the requirements to record, report and publicise complaints information.

It is also important that the information contained in the customer-facing CHP is adopted in full by the local authority. The information presented may be included in a form appropriate to the local authority (for example, through leaflets or the organisation's website) or as part of wider information on how a customer can provide feedback. There may also be further information providing context but the information for customers should remain consistent with the published customer-facing CHP.

## **Publication and accessibility**

It is important to make customers aware of their right to complain. Information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. Arrangements about how to make a complaint must be widely publicised, simple and clear, and made available in all areas of service provision. Local authorities should, therefore, consider the most effective ways to ensure maximum accessibility, such as online information about how to access the procedure which should be clearly visible on the front page of the local authority's website. Traditional methods such as leaflets can also be helpful and local authorities should consider where these can most effectively be displayed.



Customers must, where appropriate, have the support they need to articulate their concerns and successfully navigate the complaints procedure. A range of methods for complaining by whatever means is easiest for the customer should be provided and accepted to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

Local authorities should take into account individual requirements, for example disabled people, people with learning difficulties, people who are deaf or hard of hearing (including British Sign Language users), people with a visual impairment and people whose first language is not English. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, access to support or advocacy, and information in a variety of formats and languages, at suitable venues, and at suitable times.

## **Monitoring, compliance and performance**

### **Compliance**

All local authorities are required to comply with the MCHP under the SPSO Act 2002 (as amended). Public bodies are required to implement the revised version of the CHP by 1 April 2021.

We expect each organisation to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in accordance with the MCHP, and to track performance as set out in the CHP. Any significant changes to the CHP would require to be notified to SPSO for prior approval.

The SPSO will monitor compliance with the MCHP both through the complaints it investigates and through our standards function, including quality checks of published and available complaints procedures. Any feedback on issues which could affect compliance will be provided directly to the body in the first instance, in line with SPSO's **Support and Intervention Policy**.

Under the terms of the Act, the Ombudsman may also declare that a public body is non-compliant. They intend to use this option as a means of last resort in the event that attempts to work with Moray Council to facilitate implementation have failed. If the Ombudsman does declare a CHP to be non-compliant with the MCHP they will, in line with the Act, give reasons in writing and specify any modifications to the CHP which would result in the declaration being withdrawn.

Complaints performance is also monitored by Audit Scotland and (for social work complaints) Healthcare Improvement Scotland, in line with existing reporting and monitoring arrangements.

### **Future revisions of the MCHP**

The MCHP will be reviewed and revised periodically. Revisions to the MCHP will be managed by SPSO. Where a local authority considers that an amendment to the MCHP or customer-facing CHP is required, they should prepare and submit a request for change to SPSO. This should briefly describe the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

SPSO will consider and decide upon the request, in consultation with local authority sector and other relevant stakeholders. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the MCHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While local authorities may use the MCHP as a template to develop their own CHP, it is important to remember that the MCHP itself may only be altered, amended or changed by SPSO.

## **SPSO advice and support**

### **Training**

The MCHP places a strong emphasis on early management of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints. All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively. This includes being aware of how to identify complaints and when they are authorised to use a range of measures to respond to a complaint such as a simple apology where appropriate.

It is for each local authority to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. SPSO training unit provides training on several aspects of complaints handling. Further details may be obtained from [www.spsso.org.uk](http://www.spsso.org.uk).

### **SPSO website**

The SPSO website provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including: MCHPs for Scotland, implementation and compliance guidance, and best practice and training resources.

### **Local authority network of complaints handlers**

SPSO supports a local authority complaints handling network. The remit of this group includes identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network is used to help take forward the ongoing standards work of SPSO in areas such as developing standardised complaints recording categories and performance indicators.

Moray Council participates in the local authority complaints handling network.



# Moray Council Model Complaints Handling Procedure

## Part 1:

### Introduction and overview

<i>Version</i>	<i>Description</i>	<i>Date</i>
1	Local Authority MCHP published on SPSO website	March 2012
1	Social Work MCHP published on SPSO website	December 2016
2	Combined and revised version published on SPSO website	January 2020

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## Foreword

Our Complaints Handling Procedure reflects Moray Council's commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The local authority procedure was first developed by local government complaints handling experts, working closely with the Scottish Public Services Ombudsman (SPSO). A separate procedure for social work complaints was developed by social work experts and third sector organisations working with SPSO.

The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. As part of this, the local authority and social work procedures were combined into a single procedure. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to local authorities and health and social care partnerships (HSCPs) handling social work complaints. The procedural elements tie in very closely with those of the National Health Service Complaints Handling Procedure, so where complaints cut across services, they can still be handled in much the same way as other complaints.

We intend to follow the SPSO's standard approach to handling complaints across Scotland's public services, which complies with the **SPSO's guidance on a MCHP**. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All staff across Moray Council must cover this procedure as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure, including recording complaints.

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our Complaints Handling Procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

Handling complaints early creates better customer relations. Handling complaints close to the point of service delivery means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not handle swiftly can greatly add to our workload and are more costly to administer.

The Complaints Handling Procedure will help us provide better services, improve relationships with our customers and enhance public perception of Moray Council. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

## Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:
  - Overview and structure (part 1) – this document
  - When to use the procedure (**part 2**) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
  - The complaints handling process (**part 3**) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
  - Governance of the procedure (**part 4**) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
  - The customer-facing CHP (**part 5**) – information for customers on how we handle complaints
  - When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO. Found at **[www.spsso.org.uk](http://www.spsso.org.uk)**



## Overview of the CHP

2. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
3. We will try to resolve complaints to the satisfaction of the customer wherever this is possible. Where this isn't possible, we will give the customer a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
4. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

Stage 1: Frontline response	Stage 2: Investigation	Independent external review (SPSO or other)
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the customer how to escalate their complaint to stage 2</p>	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within <b>three working days</b></p> <p>We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p>	<p>Where the customer is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>In relation to social work decisions the SPSO can also look at professional decisions</p> <p>Some complaints may also have an alternative route for independent external review</p>

5. For detailed guidance on the process, see **Part 3: The complaints handling process.**

## Expected behaviours

6. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:
  - telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
  - working with us to agree the key points of complaint when an investigation is required and the outcomes sought to address these key points; and
  - responding to reasonable requests for information.
7. We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy.
8. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.
9. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us. See <http://www.moray.gov.uk/downloads/file99112.pdf> for our Unacceptable Action Policy.
10. If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires Chief Executive/Deputy Chief Executive approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO (see **Part 3: Signposting to the SPSO**).

Moray Council provides the following guidance example on promoting positive behaviour and managing unacceptable actions.

### Example

- A customer made complaint about several housing matters. This was dealt with at stage 1 however the customer informed us that they remained dissatisfied.
- The complaint was escalated to investigation, an acknowledgement letter was sent to the complainant within 3 working days, investigation was made and a final response sent within

20 working days. The complaint was not upheld and the complainant was signposted to report continued dissatisfaction to SPSO.

- SPSO considered the complaint, were satisfied with our complaint handling and advised the complainant that they would not be taking any further action. This ended the complaint process.
- The complainant didn't accept the SPSO findings and again made contact with us on the same complaint issue. They sent numerous emails and made repeated calls to several departments. This created unnecessary work and adversely impacted on staff time taken to deal with the complainant.
- A single point of contact (SPOC) manager was appointed to deal with the complainant.
- The SPOC manager wrote to the complainant advising them that their complaint had been through the complaint handling process and there was nothing further to consider. The complainant was also asked to desist from submitting further emails or calls on this matter. The Unacceptable Action Policy was explained to the complainant and a hard copy sent to them. The complainant was also advised that if their unacceptable behaviour continued then they may have restrictions placed on how they contact us.
- The complainant ignored the SPOC manager correspondence and the excessive emails and calls continued.
- A Deputy Chief Executive sent a letter to the complainant, restricting their contact with us on complaint matters to written submissions only to the SPOC manager and the complainant was placed on the Unacceptable Actions database. The complainant was advised that a review to remove the restriction would be taken in 6 months.
- Our customer service and relevant department were advised that should the complainant try to email or call on complaint matters then they should refer the complainant to contact the SPOC manager in writing and end the call/email communication.
- This process allowed us to effectively manage the complainant in accordance with Unacceptable Action Policy.

## **Maintaining confidentiality and data protection**

11. Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
12. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.
13. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information. See [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html) for Data Protection.
14. There will be situations where a response to a complaint may be limited by confidentiality, such as:
  - where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.
  - where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

# Moray Council Model Complaints Handling Procedure

## Part 2:

### When to use this procedure

<i>Version</i>	<i>Description</i>	<i>Date</i>
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## What is a complaint?

1. Moray Council's definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about Moray Council's action or lack of action, or about the standard of service provided by or on behalf of Moray Council.'
2. For clarity, where an employee also receives a service from Moray Council as a member of the public, they may complain about that service.
3. A complaint may relate to the following, but is not restricted to this list:
  - failure or refusal to provide a service
  - inadequate quality or standard of service, or an unreasonable delay in providing a service
  - dissatisfaction with one of our policies or its impact on the individual
  - failure to properly apply law, procedure or guidance when delivering services
  - failure to follow the appropriate administrative process
  - conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves: see **Complaints about contracted services**); or
  - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).
4. **Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.
5. A complaint **is not**:
  - a routine first-time request for a service (see **Complaints and service requests**)
  - a first-time report of a fault (for example, potholes or street lighting)
  - a request for compensation only (see **Complaints and compensation claims**)
  - issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
  - disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector – such as council tax, planning, or a parking ticket appeal (see also **Complaints and social work appeals**)
  - disagreement with decisions or conditions that are based upon social work recommendations, but determined by a court or other statutory body, for example decisions made by a children's panel, parole board or mental health tribunal
  - a request for information under the Data Protection or Freedom of Information (Scotland) Acts
  - a grievance by a staff member or a grievance relating to employment or staff recruitment
  - a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
  - a concern about a child or an adult's safety



- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
  - abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or
  - a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see **Complaints about contracted services**).
6. We will not treat these issues as complaints, and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.
7. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and why. See **What if the CHP does not apply**.
8. **Appendix 2** gives examples of more complex complaints, some of which are not appropriate for this CHP (**Appendix 3** gives examples specific to social work). The section on **Complaints relevant to other agencies** provides information about some of the other agencies that may be able to assist customers if their complaint is not appropriate for this CHP.

## Who can make a complaint?

9. Anyone who receives, requests, or is affected by our services can make a complaint. This is not restricted to 'service users' and their relatives or representatives, but may also include people who come into contact with or are affected by these services, for example people who live in close proximity to a social work service provision, such as a care home or day centre. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.
10. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

## Supporting the customer

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11. All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.
12. We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:
  - the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
  - the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.
13. Examples of actions to meet our legal duties could include:
  - proactively checking whether members of the public who contact us require additional support to access our services
  - providing interpretation and/or translation services for British Sign Language users; and
  - helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).]
14. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:
  - helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
  - helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen's Advice Scotland); and
  - providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).
15. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

### How complaints may be made

16. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.
17. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised. Where it is clear that there is a complex complaint, we will immediately consider it at stage 2 (investigation).
18. Where a complaint issue is raised via a digital channel managed and controlled by Moray Council (for example an official twitter address or facebook page), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.
19. We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a youtube video or post on a private facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.
20. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Part 1: Maintaining confidentiality and data protection**.

## Time limit for making complaints

21. The customer must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
22. Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:
  - within six months of when they first knew of the problem; or
  - within two months of receiving their stage 1 response (if this is later).
23. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for Moray Council.
24. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## Particular circumstances

### Complaints by (or about) a third party

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25. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, guardians, advocates, advisers and those holding Power of Attorney for the customer. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf. It is good practice to ensure the customer understands that their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.
26. The provision of a signed mandate from the customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the customer to deal with a third party and would normally follow up in writing to confirm this.
27. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.
28. See also **Part 1: Maintaining confidentiality and data protection**.

### Serious, high-risk or high-profile complaints

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29. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2 (see **Part 3: Stage 2: Investigation**).
30. We define potential high-risk or high-profile complaints as those that may:
- involve a death or terminal illness
  - involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
  - generate significant and ongoing press interest
  - pose a serious risk to our operations
  - present issues of a highly sensitive nature, for example concerning:
    - immediate homelessness
    - a particularly vulnerable person
    - child protection, or
    - adult protection.

### Anonymous complaints

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31. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any

decision not to pursue an anonymous complaint must be authorised by a Head of Service or Complaints Officer.

32. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.
33. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

## **What if the customer does not want to complain?**

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34. If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the CHP. This will ensure that the customer is updated on the action taken and gets a response to their complaint.
35. If the customer insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).
36. Please refer to the example in **Appendix 1** for further guidance.

## **Complaints involving more than one area or organisation**

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37. If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.
38. If a customer complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.
39. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about Moray Council through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See **Part 1: Maintaining confidentiality and data protection.**
40. Such complaints may include:
  - a complaint made to us about a claim for housing benefit where the customer's dissatisfaction relates to the service we have provided and the service the DWP has provided, or
  - a complaint made to us about anti-social behaviour where the customer's dissatisfaction relates to the service we have provided and the service the housing association has provided.

## **Complaints relating to a social work service and another service**

[The Public Bodies (Joint Working) (Scotland) Act 2014, (which implemented health and social care integration), requires adult social work functions to be delegated to HSCPs. Other services such as children's social care and criminal justice social work may also be delegated, if there is local agreement to do so. As a consequence, there may be variance in the delegation of functions between partnership areas according to the local needs of each one. It is important for staff investigating social work complaints to be aware of the delegation arrangements in their area, so they can take appropriate account of these, even if they are not themselves working within a delegated service.

41. A complaint may relate to a social work service (provided by the local authority or a HSCP) and another service provided by the same organisation. Examples are:

- a social work service and a care service both provided by a HSCP
- a social work service and a housing service both provided by the local authority.

42. In such cases, a joint response must be given following the guidance above.

43. Alternatively, a complaint may involve services from different organisations. Examples are:

- a complaint about a social work service provided by a HSCP and a care service provided by the local authority
- a complaint about a social work service provided by the local authority and a housing service provided by a housing association.

44. The aim with such complaints is still to provide a joint response (particularly where Moray Council is linked, eg. NHS providers), though this may not always be possible. Contact must be made with the customer to explain that their complaint partly relates to services which are delivered by another organisation, and that to respond to their complaint, we will need to share information with this organisation. Staff must check whether specific consent is needed from the customer before we can share their information with the other services, and take appropriate action where necessary, bearing in mind any data protection requirements. See **Part 1: Maintaining confidentiality and data protection**.

45. If it is possible to give a joint response, a decision must be taken as to which service will lead the process. We must ensure that all parties are clear about this decision. The response must cover all parts of the complaint, explain the role of both services, and (for investigation stage complaints) confirm that it is the final response from both services.

46. If a joint response is not possible, you should explain to the person making the complaint the reasons why they will receive two separate responses, and who they can get in contact with about the other aspects of their complaint. You must also write to both the customer and the other services involved, setting out which parts of the complaint you will be able to respond to.

## **Complaints about contracted or commissioned services**

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47. Where we use a contractor to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet Moray Council's standard (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or

- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the customer is signposted to the SPSO.

48. We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

49. Moray Council has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

### **Commissioned social work services**

50. Where social work services are commissioned on behalf of Moray Council, customers can make complaints under this CHP in relation to the assessment of need, the commissioning or recommendation process, and any element of the service that has been publicly funded. Complaints about any part of service that has been privately funded cannot be considered through this CHP.

51. These services may also be registered as a care service with the Care Inspectorate to deliver a care or support service. If this is the case, customers have the right to complain directly to the Care Inspectorate or to make use of the provider's CHP and thereafter make a complaint to the Care Inspectorate: see **Complaints for the Care Inspectorate**.

### **Complaints about senior staff**

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52. Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints. A Complaints Officer would normally deal with such complaints.

### **Complaints and other processes**

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53. Complaints can sometimes be confused (or overlap) with other processes, such as a disciplinary process. Specific examples and guidance on how to handle these are below.

#### **Complaints and service requests**

54. If a customer asks Moray Council to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

55. Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

#### **Complaints and disciplinary process**

56. If the issues raised in a complaint overlap with issues raised under a disciplinary process, we still need to respond to the complaint.

57. Our response must be careful not to share confidential information (such as anything about the disciplinary procedures, or outcomes for individual staff members). It should focus on whether



Moray Council failed to meet our expected standards and what we have done to improve things, in general terms.

58. Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

59. The SPSO's report **Making complaints work for everyone** has more information on supporting staff who are the subject of complaints.

## **Contact from MPs, MSPs or Councillors**

60. Customers often ask MPs, MSPs or Councillors to bring matters to the attention of Moray Council. We will consider matters raised and process them as either an enquiry or a complaint with the customer.

### **MPs, MSPs or Councillors Enquiries**

Enquiries will be acknowledged, recorded, dealt with and responded to within a reasonable time scale set by respective Heads of Service. This CHP is not applicable to MPs, MSPs or Councillors enquiries.

### **MPs, MSPs or Councillors raising Customer Complaints**

The customer will be treated as the complainant unless the MP, MSP or Councillor specifies that they wish to be treated as the complainant on behalf of the customer and provide an authorised customer mandate to this effect. Complaints will be dealt with as already detailed within this CHP. Complaint responses will only be provided to the customer unless the MPs, MSPs or Councillors have provided a customer mandate authorising us to also share the response with them.

## **Complaints and compensation claims**

61. Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

## **Complaints and legal action**

62. Where a customer says that legal action is being actively pursued, this is not a complaint.

63. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.
64. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

### **Social work complaints and appeals**

65. While some social work decisions may be reviewed under alternative arrangements at a local level (for example through appeal or peer review), the SPSO has the power to consider professional social work decisions. The customer should not be required to seek a reconsideration of a decision under both appeal and complaint processes, nor should they be required to make further complaint if dissatisfied with the outcome of an appeal.
66. Therefore, whilst we have discretion to operate appeals procedures, these must be regarded as a special form of complaint investigation (stage 2 of this CHP). Such appeals processes must be compliant with this procedure in terms of the rigour and documentation of the process, must be concluded within 20 working days where possible with a written response to the customer, and must be recorded as a stage 2 complaint on the relevant complaints database (unless recorded elsewhere as an appeal). If the customer raises additional issues of dissatisfaction as well as challenging a professional decision, then the process must consider and respond to every element of the customer's dissatisfaction so that no additional complaint process is required.
67. The final response letter must provide relevant text advising the customer of their right to refer the matter to the SPSO for independent consideration. The SPSO will then investigate matters in full, in line with their standard procedures.

### **Social Work Complaints and the Duty of Candour**

68. In some cases, a complaint may be prompted by a duty of candour disclosure, or a complaint investigation may itself prompt a disclosure. In such cases, we must comply with both this CHP and our duty of candour requirements.
69. It will often be possible to conduct a single review for the purposes of both the complaint investigation and the duty of candour. We should, however, take care to ensure that all the issues raised in the complaint are dealt with (including any that are not relevant to the duty of candour disclosure).

### **Complaints for the Care Inspectorate**

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70. Local Authorities and any contractors that provide care services must be registered with the Care Inspectorate. This is the independent scrutiny and improvement body for care and social work across Scotland, which regulates, inspects and supports improvement of care services.
71. The Care Inspectorate has a procedure for receiving information, concerns and investigating complaints from members of the public, or their representatives, about the care services they use. The Care Inspectorate's complaints procedure is available even when the service provider has an alternative complaints procedure in place.

72. The Care Inspectorate encourages people to complain directly to Moray Council when they receive a service from them. However, some people are not comfortable doing this and to support them, the Care Inspectorate may take complaints about care services directly.
73. When complaints are brought to us about registered care services, we have the right to share complaint information about the registered care provider with the Care Inspectorate, to decide who is best placed to investigate the complaint. We can also share the outcome of complaints about contracted and registered services with the Care Inspectorate.

Contact details for the Care Inspectorate can be found on their website:

**<https://www.careinspectorate.com/>**

## **Complaints relevant to other agencies**

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74. Customers may raise concerns about issues which cannot be handled through this CHP, but which other agencies may be able to provide assistance with or may have an interest in. This may include:

The Mental Welfare Commission:

Website: **[www.mwcscot.org.uk](http://www.mwcscot.org.uk)**

The Children and Young People's Commissioner Scotland:

Website: **[www.cycps.org.uk](http://www.cycps.org.uk)**

The Scottish Social Services Council:

Website: **[www.sssc.uk.com](http://www.sssc.uk.com)**

75. This list is not exhaustive, and it is important to consider the circumstances of each case, and whether another organisation may also have a role to play.

## **What to do if the CHP does not apply**

76. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.
77. Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our unacceptable actions policy.

## Appendix 1 – Complaints

The following tables give examples of complaints that may be considered at the frontline stage, and suggest possible actions. For ease of reference, examples of social work complaints are provided in a separate table.

Complaint	Possible actions
The customer complains that her council tax direct debit has been set up wrongly.	Apologise to the customer and update the direct debit details.
The customer has provided evidence to verify his claim for benefits, but the Benefits Service has not updated his case records with this information.	<ul style="list-style-type: none"><li>• Apologise to the customer.</li><li>• Update the customer's benefit record to record receipt of evidence.</li><li>• Check that the benefit award is corrected from the appropriate date.</li></ul>
The customer complains that a workman did not attend to carry out a housing repair as we had agreed.	<ul style="list-style-type: none"><li>• Speak to the workman, the service or the service manager to explain the customer's complaint and to agree how to address the issue, for example by arranging a new time and date to do the repair.</li><li>• Explain the reasons for the failed appointment and apologise to the customer.</li></ul>
The customer complains that the quality of a repair done by us or our contractor is not satisfactory.	<ul style="list-style-type: none"><li>• Ask the service department to examine the repair to assess whether or not it is acceptable.</li><li>• If appropriate, agree that the service department should do more work.</li><li>• Explain and apologise to the customer.</li><li>• Obtain a report from the service or contractor to confirm that the repair is now complete.</li><li>• Feedback the lessons learned from the complaint into a service improvement plan.</li></ul>
The customer complains that a road which is on our winter gritting route has not been gritted despite previous assurances that it would be.	<ul style="list-style-type: none"><li>• Confirm if the roads are on our agreed gritting routes.</li><li>• If assurance had been provided that the road would be gritted, check to confirm if this action occurred, and when.</li></ul>

Complaint	Possible actions
	<ul style="list-style-type: none"> <li>• Where appropriate, provide an explanation and apologise to the customer.</li> <li>• Obtain confirmation from the service to confirm when the road will be gritted</li> <li>• Feedback the lessons learned from the complaint into a service improvement plan.</li> </ul>
<p>The customer complains that his home carer turned up late and was smoking.</p>	<ul style="list-style-type: none"> <li>• Contact the care service to discuss the matter with a service manager.</li> <li>• The care service should check the timetable for visits and discuss with the home carer the complaint about smoking. The care service should let you know the outcome.</li> <li>• You in turn contact the customer to explain the policy, confirm the timing of visits (for example between 08:00 and 12 noon) and, where appropriate, apologise for the inconvenience.</li> </ul>
<p>The customer complains that a night-working refuse collector woke her up by making excessive noise.</p>	<ul style="list-style-type: none"> <li>• Explain our policy on refuse collection, in particular the approach to night working.</li> <li>• Tell the customer that you will pass on details of the complaint to the service to highlight the noise issue and ask the service to do what they can to control noise.</li> <li>• Apologise to the customer for the inconvenience.</li> </ul>
<p>The customer expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> <li>• Tell the customer that we value complaints because they help to improve services. Encourage them to submit the complaint.</li> <li>• In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the customer still</li> </ul>

Complaint	Possible actions
	<p>insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.</p>

Social work complaint	Possible actions
A service user complains that a social worker did not turn up for a planned visit.	<ul style="list-style-type: none"> <li>• Apologise to the service user</li> <li>• Explain that you will look into the matter</li> <li>• Contact the social worker/manager to find out the reason for the missed appointment, then</li> <li>• Explain the reasons and offer a new appointment.</li> </ul>
A member of the public complains that a home carer parked in a private resident's car parking place.	<ul style="list-style-type: none"> <li>• Take the customer's details and explain that you will look into the matter</li> <li>• Contact the home care service to find out if this is the case</li> <li>• If so, request that this does not happen again, and</li> <li>• Contact the customer, apologise and advise that the worker has been asked to find alternative parking.</li> </ul>
A member of public complains that his neighbours (residents of a children's house) have been playing football in the street where they live and are being abusive to passers-by.	<ul style="list-style-type: none"> <li>• Explain to the customer that you will look into the matter and call them back</li> <li>• Contact the manager of the children's house to verify the facts</li> <li>• Request that the manager meet with the neighbour to apologise and engender good relations, then</li> <li>• Call back the customer to update them.</li> </ul>
A complaint about a service provider commissioned by social work services.	<ul style="list-style-type: none"> <li>• Discuss with the customer the different ways for this complaint to be handled, ie by a complaint to the Care Inspectorate or through the provider's own CHP, and</li> <li>• Ensure, whatever process is agreed, that the customer is clear how they can progress their</li> </ul>

	<p>complaint to the next stage, should they remain dissatisfied. This may be within the provider's CHP, to the [Moray Council], or to the Care Inspectorate. The customer should be advised that they can come back to [Moray Council] for further advice if they need to at any stage.</p>
<p>A service user complains that their care needs assessment does not accurately reflect their needs, or that the care package proposed would not meet the needs identified in their assessment.</p>	<ul style="list-style-type: none"> <li>• Clarify with the customer whether the complaint relates to an assessment of needs or a proposed care package. Establish specifically what the customer is complaining about and what has happened so far. Ask them what they are seeking from their complaint, and explain that you will look into the matter</li> <li>• Make internal enquiries to establish what stage the assessment and care planning processes are at</li> <li>• While considering the complaint, if the team indicate that a new assessment or care planning meeting may be offered, pass this offer onto the customer, and ask the team to contact the customer to take this forward, and</li> <li>• If the team are not prepared to look at the matter again, explain why the assessment or care package decision is considered to be adequate, and signpost to the next stage of the CHP.</li> </ul>
<p>A customer complains about social work services impacting on their discharge from hospital.</p>	<ul style="list-style-type: none"> <li>• Check with the hospital social work team about the customer's care planning in relation to discharge from hospital, and the timing of medical decisions and social work input</li> <li>• It may become apparent at that stage that the discharge process was complicated by a range of issues, in which case it may be appropriate to escalate the complaint to investigation</li> <li>• It may also become apparent that the customer is still in hospital, and may or may not be considered ready for discharge. If they are ready, then pass the complaint onto the team directly involved to respond to as quickly as possible</li> <li>• If the situation is not current, and there were delays from social work services, find out why these happened, and</li> <li>• Respond to the customer by their preferred</li> </ul>



	method, to inform them of the outcome of their complaint. Offer an apology if appropriate, and outline what steps have been put in place to prevent a recurrence of the situation.
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## **Appendix 2 – What is not a complaint?**

1. A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for service.
2. In some cases a measure of discretion or further clarification is required in determining whether something is a complaint that should be handled through this procedure or another matter which should be handled through another process. There are also some specific circumstances when complaints should be handled in a particular manner.
3. The following paragraphs provide examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route based on the individual case.

### **Planning**

4. Customers may express dissatisfaction after the refusal of planning or other related permissions. An example would be dissatisfaction with a condition of consent or an enforcement action.
5. Planning applicants, or their agent, have the right to appeal to Scottish Ministers on planning or related matters determined by Committee or decided under delegated powers. Appeals are usually, but not always, decided by a Reporter from the Directorate of Planning and Environmental Appeals and can be considered on the basis of written submissions or by a hearing or public inquiry. The Reporter appointed to consider the appeal will manage the whole process and consider how to gather enough information to make a decision.
6. Customers who are dissatisfied with one of our planning decisions, and who have a right to appeal to Scottish Ministers, should be directed to this service. However, some complaints about planning matters are from third parties such as neighbours. These customers do not have the right of appeal to Scottish Ministers. These complaints should, therefore, be considered through the CHP.

### **Benefits**

7. A customer may be dissatisfied or disagree with a decision about their housing or council tax benefit claim. This is not a complaint. The customer may ask us to review the decision. If they remain dissatisfied at the outcome of the review or reconsideration of their claim, they may also appeal against our decision to an independent appeal tribunal. Where they want to do so, you should direct them appropriately.

### **Claims for compensation**

8. A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you must not handle them through the complaints handling procedure. You should be clear, however, that where a customer wants to complain about the matter leading to their request for compensation, for example workmen damaging their home, or the condition of a public road causing damage to a motor vehicle, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to suspend complaint action pending the outcome of the claim for compensation. If you do this, you must notify the customer and explain that the complaint will be fully considered when the compensation claim has been decided.

9. If you receive a compensation claim, you should explain to the customer the process for claiming compensation in line with our policy on these claims.

### **Licence decisions**

10. We are responsible for issuing various licences, including public entertainment, HMO (houses in multiple occupation), liquor and taxi licences. These have their own legal redress. Customers who are dissatisfied with these decisions will have to pursue this through the correct procedure for the type of licence they want.

### **School exclusions and placing requests**

11. Decisions on appeals against a pupil's exclusion from school or a refusal of a school placing request are made by Committee. Once the Committee has ruled, the customer cannot then use the complaints process to continue their case.

### **School exam results**

12. Schools have devolved authority to offer examinations on the awarding body's behalf. In most cases this will be the SQA. If a customer is dissatisfied with the result of an exam, the school should refer it to the awarding body.
13. Remember that although there may be an alternative form of redress for the customer as detailed above, you must consider carefully whether or not a customer's representations should be managed within the complaints handling procedure. Dissatisfaction with certain local authority decisions may simply require an explanation and directing to the correct route. If, however, a customer says they are dissatisfied with the administrative process we have followed in reaching a decision, you may consider that dissatisfaction through the complaints handling procedure. An example may be a complaint from a customer who is dissatisfied with a decision and alleges that we failed to follow or apply the appropriate guidance in reaching that decision.

## Appendix 3 – Complex social work scenarios

### Child or adult protection concerns

14. Customers may express concerns that a child or adult is at risk, but frame their concern in terms of dissatisfaction that 'nothing has been done about this'. The member of staff will need to consider whether the person is authorised to make complaints on behalf of the child or adult in question, whether they expect the matter to be handled as a complaint and whether the professional view is that these matters are best addressed through initiating the applicable protection procedures. Where the need to initiate protection procedures and investigate concerns within those procedures is identified, the complaint should be closed. The person making the complaint should be advised of this and signposted to the SPSO.
15. Where a complaint is received about some aspect of protection processes that have already been initiated, for example in relation to the way the processes was applied, this should be considered a complaint, and progressed within the complaints handling procedure.

### Complaints about professional social work decisions

16. A customer may wish to complain about or appeal against a social work decision. Such decisions must be considered in line with the timescales for complaints as specified in the CHP.
17. Some decisions may be considered through an internal appeal procedure. However, any such appeal route must be considered as constituting a special form of stage 2 of this procedure, in that it will result in a thorough response **to all concerns** and onward referral to the SPSO. See also **Social work complaints and appeals**.

### Legal action

18. Legal action takes several forms and each must be handled in a distinctive way:
  - (a) Judicial Review: If a person wishes to seek judicial review of a decision then they should be encouraged to seek legal advice.
  - (b) Litigation: Where a customer says that they are seeking compensation and that legal action is being actively pursued, this is not a complaint. Where a customer indicates that they intend to litigate but have not yet commenced legal action, they should be informed that if they take such action, they should notify the complaints handler and/or the Complaints Manager and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. If it becomes apparent that legal action is being pursued, the complaints handler must clarify with the customer if all the issues they have raised will be considered through legal action; any outstanding issues must still be addressed through the CHP.
  - (c) Legal tribunals, etc: Sometimes the matter complained of may be the subject of ongoing consideration by a relevant legal body, for example where a customer complains of lack of contact with their child who is being looked after by Moray Council, when that matter falls to be determined by the Children's Panel. In such cases the customer should be directed to raise the matter either directly or through their legal representatives within that other defined process and the matter should not be accepted as a complaint.

This is distinct from a complaint that Moray Council and its staff have failed to properly carry out their roles and responsibilities. In the example above, a Children's Panel may have set contact frequency but it is not being properly facilitated by social work staff due to staffing shortages or some other factor. That is a matter of legitimate complaint under this procedure.

### **Complaints about the content of social work reports submitted to legal bodies**

19. Moray Council may receive complaints about the accuracy of reports by professional social work staff submitted to Courts or other bodies such as Children's Panels, Parole Boards or Mental Health Tribunals. In such circumstances, the report is provided as a service to the court or tribunal, not as a service to the customer. The customer has no right to veto such reports or insist that content is subject to their approval but they can complain about the content of the report.
20. Moray Council should consider each complaint and it will usually be necessary to undertake a short screening process to establish whether the issue is appropriate for the CHP. This will depend on the nature and seriousness of alleged inaccuracy, and the status of the report in relation to the progress of court or other proceedings. In particular Moray Council should consider whether the complaint relates to accuracy of facts, to opinion or to the standard and quality of the work carried out by the professional concerned, and should take one of three actions accordingly:
  - a. advise the customer that, due to the timescales involved, the issue should be raised when the report is presented in court/to the relevant body, as that is the appropriate forum for deciding on the matter
  - b. advise the customer that the complaint raises issues that will be considered under the CHP (such as issues of fact), and progress accordingly, or
  - c. advise the customer that the complaint raises a mixture of issues that will be considered under the CHP and other issues that should be raised within the relevant forum when the report is submitted.
21. If you refuse to consider some or all issues as per (a) or (c) above and direct the customer to raise the matter within the legal process, you must still provide clear information about the reason for this decision, and signpost the customer to the SPSO for access to a review of this decision.
22. Moray Council should also consider whether the complaint relates to a breach of data protection legislation, in which case it must be processed accordingly. See **Part 1: Maintaining confidentiality and data protection.**

### **Campaigns**

23. The introduction of a new policy or changes in service, such as the closure of a facility, may lead to a high volume of complaints being received. These should be handled under this procedure on an individual basis on their merits, addressing the issue of how that particular customer is affected by the change. It may be appropriate to provide information about the process that led to the changes, or when the policy may next be reviewed.
24. Occasionally, however, such complaints are evidently part of an organised campaign. Indicators may be that all complaints have identical content or are on a 'form' letter or that all complainers are known to be members of a pressure group that has made separate representations through Moray Council's petitions or elected members.

25. Moray Council should not accept an unreasonable burden on its complaints processes produced by an organised campaign. Instead, Moray Council may either issue a single 'form' response or may ask the organisers to nominate a single person to make a single complaint on behalf of the group. In such circumstances it would be important to be clear that all the complaints being brought to Moray Council are identical, and setting out clearly what issues are being considered under the complaint. Any other additional concerns that individuals may have would need to be handled as new complaints.

### **Persons under investigation**

26. Moray Council is likely to have a role in investigating the actions of individuals towards other, more vulnerable people, for example those suspected of child or adult abuse or Guardians and Powers of Attorney who are allegedly misusing their powers.
27. Those individuals are still customers as defined within this procedure and any complaint from them must be considered on its individual merits. For example, a complaint about an improper exercise of investigative procedures should be looked into as a complaint. Any response should take into account any confidentiality issues, and this should be explained to the customer.
28. However, if it is evident that the person is not complaining about the process or the actions of staff, but is complaining that they are under investigation, this should not be accepted as a complaint. Instead it should be explained to the customer that Moray Council has a statutory obligation to investigate such matters, and this is not conditional upon their agreement or approval. Their objection to the process is not considered to be a complaint, though they may be directed to seek appropriate legal advice to protect their rights.

### **Looked after and accommodated children/adults under local authority guardianship**

29. Moray Council has a special duty of care to children in its care or adults for whom it exercises decision-making powers. Special care should be taken when investigating complaints made by or on behalf of those individuals.
30. Artificial barriers of confidentiality should not be imposed to prevent people with a relevant interest in the affairs of an incapacitated adult from complaining on their behalf.
31. Children who are looked after by the Local Authority may complain. They may have little in the way of a support network and may be estranged from their family. It may also be inappropriate for the family to represent the child's interests. Particular care, therefore, should be taken to ensure that the child's complaint is understood and, particularly for younger children, that the response is understood by them.
32. In both cases, the need for personal contact with the customer, and the possible involvement of advocacy services, should be actively considered. We must also always bear in mind our obligations under data protection information. See **Part 1: Maintaining confidentiality and data protection**.

### **Allegations of fraud/criminality/professional malpractice or incompetence**

33. Discretion is required where the complaint is so serious as to immediately merit investigation under disciplinary processes or referral to another agency.
34. If it is determined that the complaint falls into this category, you should be careful to follow the CHP and mindful of our obligations under data protection legislation. See **Part 1: Maintaining confidentiality and data protection**.

## Complaints brought by foster carers

35. Complaints brought by foster carers can relate to the support services they receive from Moray Council, the way our staff engage with them, or services a child in their care is or was receiving or has requested from us.
36. Any complaint brought by a foster carer on behalf of a foster child in the care, or formerly in their care, should be considered under this CHP. Where possible, the views of the child should also be taken into account.
37. Foster carers who are recruited and supported by us may bring complaints about these services. However, approval and de-registration of the carer by Moray Council may be considered through alternative appeal mechanisms. As noted under **Social work complaints and appeals**, these appeals must be handled in line with the CHP timescales, where possible, and end with signposting to the SPSO.
38. Complaints from foster carers supported by private agencies will not be addressed within this CHP if the complaint is wholly about their own circumstances and support rather than those of the child. Such complaints should be directed to the complaints process of the relevant agency.
39. An agency foster carer may still complain about the way our staff have interacted with them or about any element of service that they might reasonably expect to be provided by Moray Council, for example invitations to meetings, provision of information about the child in their care or the manner and content of communications with Moray Council. This list is not exhaustive and such complaints should be carefully considered in terms of the role of Moray Council's staff, before directing them to pursue their complaint with their fostering agency.
40. Where a complaint cannot be considered in part or in whole by Moray Council, the customer must be given a clear explanation as to why this is, what (if any) parts of their complaint will be investigated and how they may refer the matter to the SPSO.





# Moray Council Model Complaints Handling Procedure

## Part 3:

### The complaints handling process

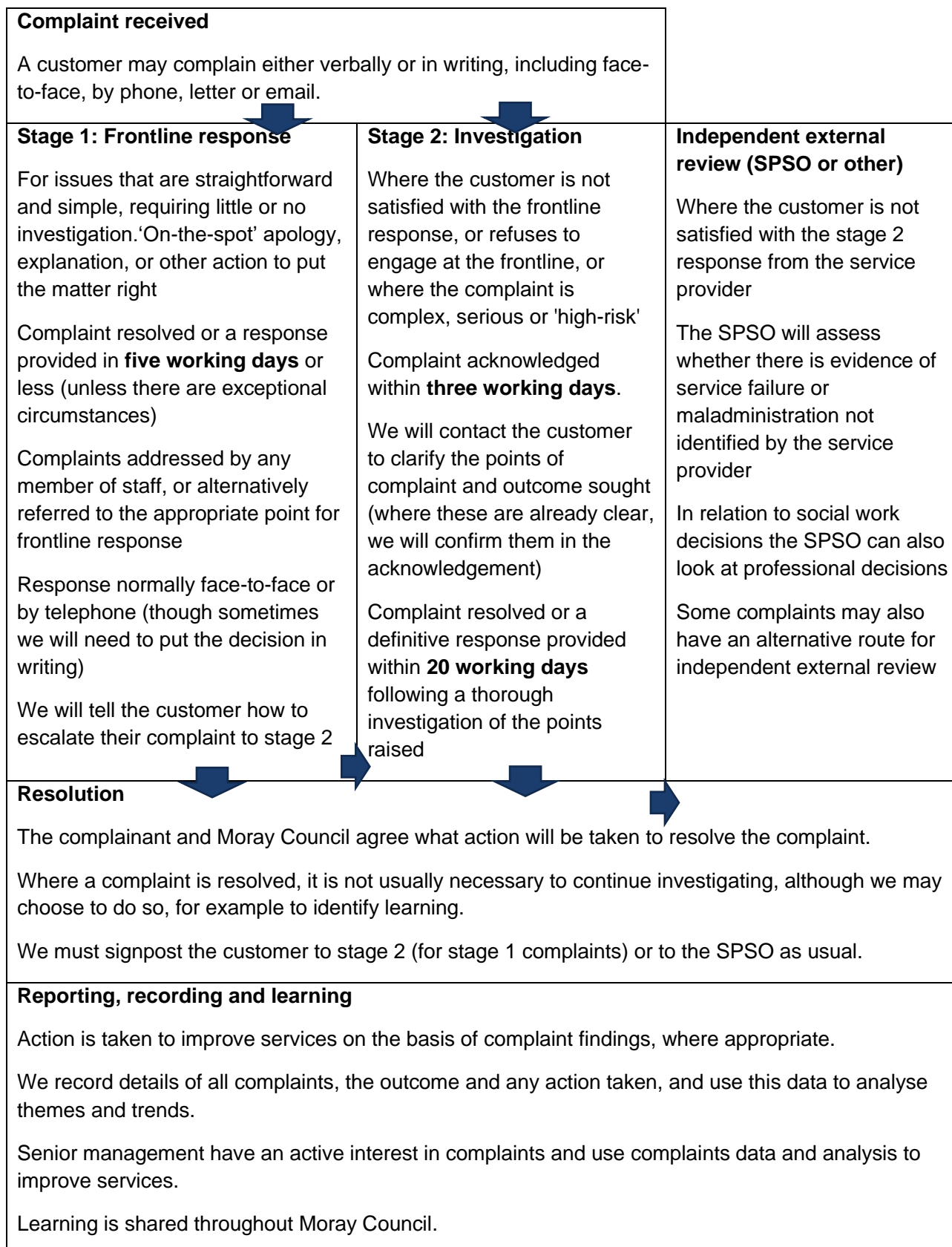
<i>Version</i>	<i>Description</i>	<i>Date</i>
1	Local Authority MCHP published on SPSO website	March 2012
1	Social Work MCHP published on SPSO website	December 2016
2	Combined and revised version published on SPSO website	January 2020

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## The complaints handling process

1. Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the customer's satisfaction. Where this is not possible, we will give the customer a clear and reasoned response to their complaint.



## Resolving the complaint

2. A complaint is **resolved** when both Moray Council and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.
3. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
4. A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
5. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See **Alternative complaint resolution approaches**.
6. Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.
7. In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the customer to stage 2 (for stage 1 complaints) or to the SPSO as usual (see **Signposting to the SPSO**).
8. If the customer and Moray Council are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

## What to do when you receive a complaint

9. Members of staff receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:

### What exactly is the customer's complaint (or complaints)?

10. It is important to be clear about exactly what the customer is complaining about. We may need to ask the customer for more information and probe further to get a full understanding.
11. We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.
12. If the matter is not suitable for handling as a complaint, we will explain this to the customer (and signpost them to SPSO). There is detailed guidance on this step in **Part 2: When to use this procedure**.
13. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2 (see **Stage 2: Investigation**).

### What does the customer want to achieve by complaining?

14. At the outset, we will clarify the outcome the customer wants. Of course, the customer may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.

### Can I achieve this, or explain why not?

15. If a staff member handling a complaint can achieve the expected outcome, e.g. by providing an on-the-spot apology or explain why they can't achieve it, they should do so.
16. The customer may expect more than we can provide. If so, we will tell them as soon as possible.
17. Complaints which can be resolved or responded to quickly should be managed at stage 1 (see **Stage 1: Frontline response**).

### If I cannot respond, who can help?

18. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.
19. If it is not a simple and straightforward complaint that can realistically be closed within five working days (or to ten day extension), it should be handled immediately at stage 2. If the customer refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2. See **Stage 2: Investigation**.

## Stage 1: Frontline response

20. Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
21. Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
22. We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow the **SPSO guidance on apology**.
23. **Part 2, Appendix 1** gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.
24. Complaints which are not suitable for frontline response should be identified early, and handled immediately at stage 2: investigation.

## Notifying staff members involved

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25. If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

## Timelines

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26. Frontline response must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

## Extension to the timeline

27. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate manager. We will tell the customer about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).
28. If a complaint will take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.
29. If a complaint has not been closed within ten working days, it should be escalated to stage 2 for a final response.
30. **Appendix 1** provides further information on timelines.

## Closing the complaint at the frontline response stage

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31. If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to). We must:
- tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
  - explain the reasons for our decision (or the agreed action taken to resolve the complaint, or the agreed action taken to resolve the complaint (see **Resolving the complaint**)); and
  - explain that the customer can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the customer has completed stage 2).
32. We will keep a full and accurate record of the decision given to the customer. If we are not able to contact the customer by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.
33. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
34. The complaint should then be closed and the complaints system updated accordingly.
35. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See **Part 4: Learning from complaints**.

## Stage 2: Investigation

36. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:
- the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later (see **Part 2: Time limits for making a complaint**)
  - the complaint is not simple and straightforward (for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
  - the complaint relates to serious, high-risk or high-profile issues (see **Part 2: Serious, high-risk or high-profile complaints**).
37. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).
38. Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.
39. The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful (see **Alternative complaint resolution approaches**).

## Acknowledging the complaint

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40. Complaints must be acknowledged within three working days of receipt at stage 2.
41. We must issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact.
42. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree. See **Agreeing the points of complaint and outcome sought**
43. Where the points of complaint and expected outcomes are not clear, we must tell the customer we will contact them to discuss this.

## Agreeing the points of complaint and outcome sought

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44. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.
45. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint (see **Acknowledging the complaint**).



46. Where the points of complaint and outcome sought are not clear, we must contact the customer to confirm these. We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer.

47. In all cases, we must have a clear shared understanding of:

- **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the points of complaint with the customer (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our unacceptable actions policy, bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

- **Is there anything we can't consider under the CHP?**

We must explain if there are any points that are not suitable for handling under the CHP (see **Part 2: What to do if the CHP does not apply**).

- **What outcome does the customer want to achieve by complaining?**

Asking what outcome the customer is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

- **Are the customer's expectations realistic and achievable?**

It may be that the customer expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

## **Notifying staff members involved**

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48. If the complaint is about the actions of a particular staff member/s, we will notify the staff member/s involved (including where the staff member is not named, but can be identified from the complaint). We will:

- share the complaint information with the staff member/s (unless there are compelling reasons not to)
- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them

- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
  - signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).
49. If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met.
50. It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:
- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
  - what should have happened? (this should include any relevant policies or procedures that apply); and
  - is there a difference between what happened and what should have happened, and is Moray Council responsible?
51. In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).
52. If we need to share information within or outwith Moray Council, we will be mindful of our obligations under data protection legislation. See **Part 1: Maintaining confidentiality and data protection**.
53. The SPSO has resources for conducting investigations, including:
- **Investigation plan template**
  - **Decision-making tool for complaint investigators**

## **Alternative complaint resolution approaches**

54. Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator (not presently available at Moray Council) should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.
55. Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the customer's desired outcome.
56. The SPSO has guidance on **alternative complaint resolution approaches**.

57. If Moray Council and the customer (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

### Meeting with the customer during the investigation

58. To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.
59. As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

### Timelines

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60. The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):
- complaints must be acknowledged within **three working days**
  - a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

### Extension to the timeline

61. Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the customer.
62. Any extension must be approved by an appropriate senior manager. We will keep the customer and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the customer and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.
63. The reasons for an extension might include the following:
- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but the person is not available because of long-term sickness or leave
  - we cannot obtain further essential information within normal timescales; or
  - the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.]

64. **Appendix 1** provides further information on timelines.

## **Closing the complaint at the investigation stage**

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65. The response to the complaint should be in writing (or by the customer's preferred method of contact) and must be signed off by a manager or officer who is empowered to provide the final response on behalf of Moray Council.

66. We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational
- avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see **the SPSO's guidance on apology**)
- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter; and
- indicate that if they are not satisfied with the outcome of the local process, they may seek a review by the SPSO (see **Signposting to the SPSO**).

67. Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed. See **Resolving the complaint**.

68. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

69. We will record the decision, and details of how it was communicated to the customer, on the complaints system.

70. The SPSO has guidance on responding to a complaint:

- **Template decision letter**
- **Apology guidance**

71. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See **Part 4: Learning from complaints**.

## **Signposting to the SPSO**

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72. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. We must make clear to the customer:

- their right to ask the SPSO to consider the complaint

- the time limit for doing so; and
- how to contact the SPSO.

73. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are outwith the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.

74. The SPSO recommends that we use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on Moray Council's final response to the complaint.

### **Information about the SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about councils. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have had a final response from Moray Council, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- you have gone all the way through the Moray Council's Complaints Handling Procedure
- it is less than 12 months after you became aware of the matter you want to complain about, and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at <https://www.spsso.org.uk/complain/form/start/> or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

### **Factoring complaints and complaints from shared owners**

75. The SPSO does not normally look at complaints about our factoring service or complaints from shared owners. These complaints can be considered by the First Tier Tribunal for Scotland (Housing and Property Chamber). Their contact details are on their website:  
<https://www.housingandpropertychamber.scot/>
76. Where the complaint relates to social housing, we should still signpost these complaints to the SPSO, as there may be some aspects the SPSO can consider (for example, if the customer is dissatisfied with how we have handled their complaint). However, we should also notify the customer of their right to approach the Tribunal if they are dissatisfied with our response to these kinds of complaint.

### **Post-closure contact**

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77. If a customer contacts us for clarification when they have received our final response, we may have further discussion with the customer to clarify our response and answer their questions. However, if the customer is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

## Appendix 1 - Timelines

### General

1. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.
2. We do not count school holidays as non-working days. Complaints received during school holidays should follow the same timelines as set out for frontline response and investigation, unless there are special circumstances which would extend these timelines.

### Timelines at frontline response (stage 1)

3. We will aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**, at the latest.
4. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

### Transferring cases from frontline response to investigation

5. If the customer wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

### Timelines at investigation (stage 2)

6. For complaints at the investigation stage, **day one** is:
  - the day the case is transferred from the frontline stage to the investigation stage
  - the day the customer asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
  - the date we receive the complaint, if it is handled immediately at stage 2.
7. We must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.
8. We should respond in full to the complaint by **day 20**, at the latest. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
9. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.

### Frequently asked questions

Q. What happens if an extension is granted at stage 1, but then the complaint is escalated?

10. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (we have 20 working days from this date, unless an extension is granted).

Q. What happens if we cannot meet an extended timeframe?

11. If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days.
12. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the customer and give them a revised timeframe for completion. We must update the customer and any staff involved in the investigation at least once every 20 working days.

Q. What happens when a customer asks for stage 2 consideration a long time after receiving a frontline response?

13. Unless exceptional circumstances exist, customers should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest). See **Part 2: Time limits for making a complaint**.



## Appendix 2 – The complaint handling process (flowchart for staff)

<p>A customer may complain verbally or in writing, including face-to-face, by phone, letter or email.</p> <p>Your first consideration is whether the complaint should be dealt with at stage 1 (frontline response) or stage 2 (investigation).</p>	
<p><b>Stage 1: Frontline response</b></p> <p>Always try to respond quickly, wherever we can</p>	<p><b>Stage 2: Investigation</b></p> <p>Investigate where:</p> <ul style="list-style-type: none"> <li>The customer is dissatisfied with the frontline response or refuses to engage with attempts to resolve the complaint at stage 1</li> <li>It is clear that the complaint requires investigation from the outset</li> </ul>
<p>Record the complaint and notify any staff complained about</p>	<p>Record the complaint and notify any staff complained about</p> <p>Acknowledge the complaint within <b>three working days</b></p>
	<p>Contact the complainant to agree:</p> <ul style="list-style-type: none"> <li>Points of complaint</li> <li>Outcome sought</li> <li>Manage expectations (where required)</li> </ul> <p><i>(these can be confirmed in the acknowledgement where the complaint is straightforward)</i></p>
<p>Respond to the complaint within <b>five working days</b> unless there are exceptional circumstances</p>	<p>Respond to the complaint as soon as possible, but within <b>20 working days</b> unless there is a clear reason for extending the timescale</p>
<p>Is the customer satisfied?</p> <p>You must always tell the customer how to escalate to stage 2</p>	<p>Communicate the decision, normally in writing</p> <p>Signpost the customer to SPSO and advise of time limits</p>
<p>(Yes) Record outcome and learning, and close complaint.</p> <p><i>(No) -&gt; to Stage 2: Investigation</i></p>	<p>Record outcome and learning, and close complaint</p>
<p>Follow up on agreed actions flowing from the complaint</p> <p>Share any learning points</p>	



# Moray Council Model Complaints Handling Procedure

## Part 4:

### Governance

<i>Version</i>	<i>Description</i>	<i>Date</i>
1	Local Authority MCHP published on SPSO website	March 2012
1	Social Work MCHP published on SPSO website	December 2016
2	Combined and revised version published on SPSO website	January 2020

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## Roles and responsibilities

1. All staff will be aware of:
  - the Complaints Handling Procedure (CHP)
  - how to handle and record complaints at the frontline response stage
  - who they can refer a complaint to, in case they are not able to handle the matter
  - the need to try and resolve complaints early and as close to the point of service delivery as possible; and
  - their clear authority to attempt to resolve any complaints they may be called upon to deal with.
2. Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.
3. Senior management will ensure that:
  - Moray Council's final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of Moray Council and that the complainant's concerns have been taken seriously
  - it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
  - it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
  - mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in Moray Council; and
  - complaints information is used to improve services, and this is evident from regular publications.
4. **Chief Executive:** The chief executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The chief executive may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the chief executive of the quality of complaints performance.
5. The chief executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:
  - ensuring performance monitoring for complaints is a feature of the service/management agreements between Moray Council and contractors
  - setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide Moray Council with an overview of how the contractor is meeting its objectives
6. **Chief social work officer (CSWO):** The CSWO has an important role in the consideration of social work complaints information and, on occasion, the content of individual complaints.

Their role in overseeing the effective governance of social work services and monitoring these arrangements includes complaints about social work services. The CSWO should also take appropriate account of complaints information in fulfilling their obligations to promote continuous improvement and best practice. Furthermore, the CSWO or their delegated officers may have specific interest in complaints relating to individuals for whom they have decision-making responsibilities.

7. **Deputy Chief Executives:** On the chief executive's behalf, deputy chief executives may be responsible for:
  - managing complaints and the way we learn from them
  - overseeing the implementation of actions required as a result of a complaint
  - investigating complaints; and
  - deputising for the chief executive on occasion.
8. They may also be responsible for preparing and signing off decisions for customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, deputy chief executives may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, deputy chief executives should retain ownership and accountability for the management and reporting of complaints.
9. **Heads of service:** Heads of service may be involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.
10. **Complaints investigator:** The complaints investigator is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised customer service team, and will be involved in the investigation and in coordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across Moray Council. They will co-ordinate the analysis of complaints data and reporting of this.
11. **The human resources/training officer:** The HR or training officer is responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.
12. **Moray Council's Complaints and SPSO liaison officer:** In addition to carrying out the role of a Complaints investigator (see item 10), the SPSO liaison officer role may include providing/arranging for complaints information to be provided in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.
13. **Complaint Administrator:** A complaint administrator is responsible for recording and updating complaint information on our complaints database. They are also responsible for managing all correspondence relating to a complaint and ensuring that it is retained on our Sharepoint system in line with our document retention policy.

## **Recording, reporting, learning from and publicising complaints**

14. Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across Moray Council. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.
15. We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

### **Recording complaints**

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16. It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:
  - the customer's name and contact details
  - the date the complaint was received
  - the nature of the complaint
  - the service the complaint refers to
  - staff member responsible for handling the complaint
  - action taken and outcome at frontline response stage
  - date the complaint was closed at the frontline response stage
  - date the investigation stage was initiated (if applicable)
  - action taken and outcome at investigation stage (if applicable)
  - date the complaint was closed at the investigation stage (if applicable); and
  - the underlying cause of the complaint and any remedial action taken.
  - the outcome of the SPSO's investigation (where applicable).
17. If the customer does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.
18. Individual complaint files will be stored in line with our document retention policy.

### **Learning from complaints**

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19. We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:
  - seek to identify the root cause of complaints
  - take action to reduce the risk of recurrence; and
  - systematically review complaints performance reports to improve service delivery.
20. Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.

21. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. The following will be considered/actioned:

- the action needed to improve services must be authorised by an appropriate manager
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

22. SPSO has guidance on **Learning from complaints**.

23. Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

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## Reporting of complaints

24. We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

25. We will report at least **quarterly** to senior management on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

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## Publicising complaints information

26. We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services.

27. This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

28. We will publish an **annual** complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and



- complaint trends and the actions that have been or will be taken to improve services as a result.

29. These reports must be easily accessible to members of the public and available in alternative formats as requested.



## **Moray Council Model Complaints Handling Procedure**

### **Part 5:**

### **The customer facing document**

<i>Version</i>	<i>Description</i>	<i>Date</i>
1	Local Authority MCHP published on SPSO website	March 2012
1	Social Work MCHP published on SPSO website	December 2016
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Moray Council is committed to providing high-quality customer services.

**We value complaints and use information from them to help us improve our services.**

1. If something goes wrong or you are dissatisfied with our services, please tell us. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

**What is a complaint?**

2. We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

**What can I complain about?**

3. You can complain about things like:
  - failure or refusal to provide a service
  - inadequate quality or standard of service, or an unreasonable delay in providing a service
  - dissatisfaction with one of our policies or its impact on the individual
  - failure to properly apply law, procedure or guidance when delivering services
  - failure to follow the appropriate administrative process
  - conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
  - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).
4. Your complaint may involve more than one service or be about someone working on our behalf.

**What can't I complain about?**

5. There are some things we can't deal with through our complaints handling procedure. These include:
  - a routine first-time request for a service
  - a first-time report of a fault (for example, potholes or street lighting)
  - a request for compensation only
  - issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)

- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector – such as council tax, planning, or a parking ticket appeal
  - disagreement with decisions or conditions that are based upon social work recommendations, but determined by a court or other statutory body, for example decisions made by a children's panel, parole board or mental health tribunal
  - a request for information under the Data Protection or Freedom of Information (Scotland) Acts
  - a grievance by a staff member or a grievance relating to employment or staff recruitment
  - a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
  - a concern about a child or an adult's safety
  - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
  - abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or
  - a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf).
6. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

### **Who can complain?**

7. Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint** below.

### **How do I complain?**

8. You can complain in person at public access points, by phone, in writing, by email.
9. It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve the issue.
10. When complaining, please tell us:
- your full name and contact details
  - as much as you can about the complaint

- what has gone wrong; and
- what outcome you are seeking.

### **Our contact details**

In person at one of the Moray Council Access Points:

- **The Annexe, High Street, Elgin, IV30 1BX**
- **13 Cluny Square, Buckie, AB56 1AJ**
- **Auchernack, High Street, Forres, IV36 1DX**
- **The Resource Centre, 26 Mid Street, Keith, AB55 5AH**

by post:

**Complaints Officer**  
**Moray Council, High Street, Elgin, IV30 1BX**

by telephone:

**01343 543451**

by email:

[complaints@moray.gov.uk](mailto:complaints@moray.gov.uk)

or online:

[www.moray.gov.uk/complaints](http://www.moray.gov.uk/complaints)

### **How long do I have to make a complaint?**

11. Normally, you must make your complaint within six months of:

- the event you want to complain about; or
- finding out that you have a reason to complain.

12. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

### **What happens when I have complained?**

13. We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

## **Stage 1: Frontline response**

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14. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.
15. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.
16. If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:
- within six months of the event you want to complain about or finding out that you have a reason to complain; or
  - within two months of receiving your stage 1 response (if this is later).
17. In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

## **Stage 2: Investigation**

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18. Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.
19. When using stage 2:
- we will acknowledge receipt of your complaint within three working days
  - we will confirm our understanding of the complaint we will investigate and what outcome you are looking for
  - we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
  - where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.
20. If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.



## What if I'm still dissatisfied?

21. After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

- you have gone all the way through Moray Council's complaints handling procedure
- it is less than 12 months after you became aware of the matter you want to complain about; and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online at [www.spsso.org.uk/complain/form](http://www.spsso.org.uk/complain/form) or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on **Getting help to make your complaint** below.

The SPSO's contact details are:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS  
(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

22. There are some complaints that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

## Care complaints

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23. If your complaint relates to a care service we provide, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting them.

The Care Inspectorate has several offices around Scotland. Please refer to:  
<http://www.scswis.com/>

## Getting help to make your complaint

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24. We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.
25. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

**Scottish Independent Advocacy Alliance**

Tel: 0131 510 9410 Website: <http://www.siaa.org.uk>

26. You can find out about advisers in your area through Citizens Advice Scotland:

**Citizens Advice Scotland**

Website: <http://www.cas.org.uk> or check your phone book for your local citizens advice bureau.

27. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille. **We can also give you this leaflet in other languages and formats (such as large print, audio and Braille).**

## Quick guide to our complaints procedure

### Complaints procedure

You can make your complaint in person, by phone, by email or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress. *If your complaint relates to a care service you can choose to complain to us or to the Care Inspectorate.*

### Stage 1: Frontline response

We will always try to respond to your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.

### Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **three working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.

### Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

There are some complaints that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

We will tell you how to do this when we send you our final decision.

